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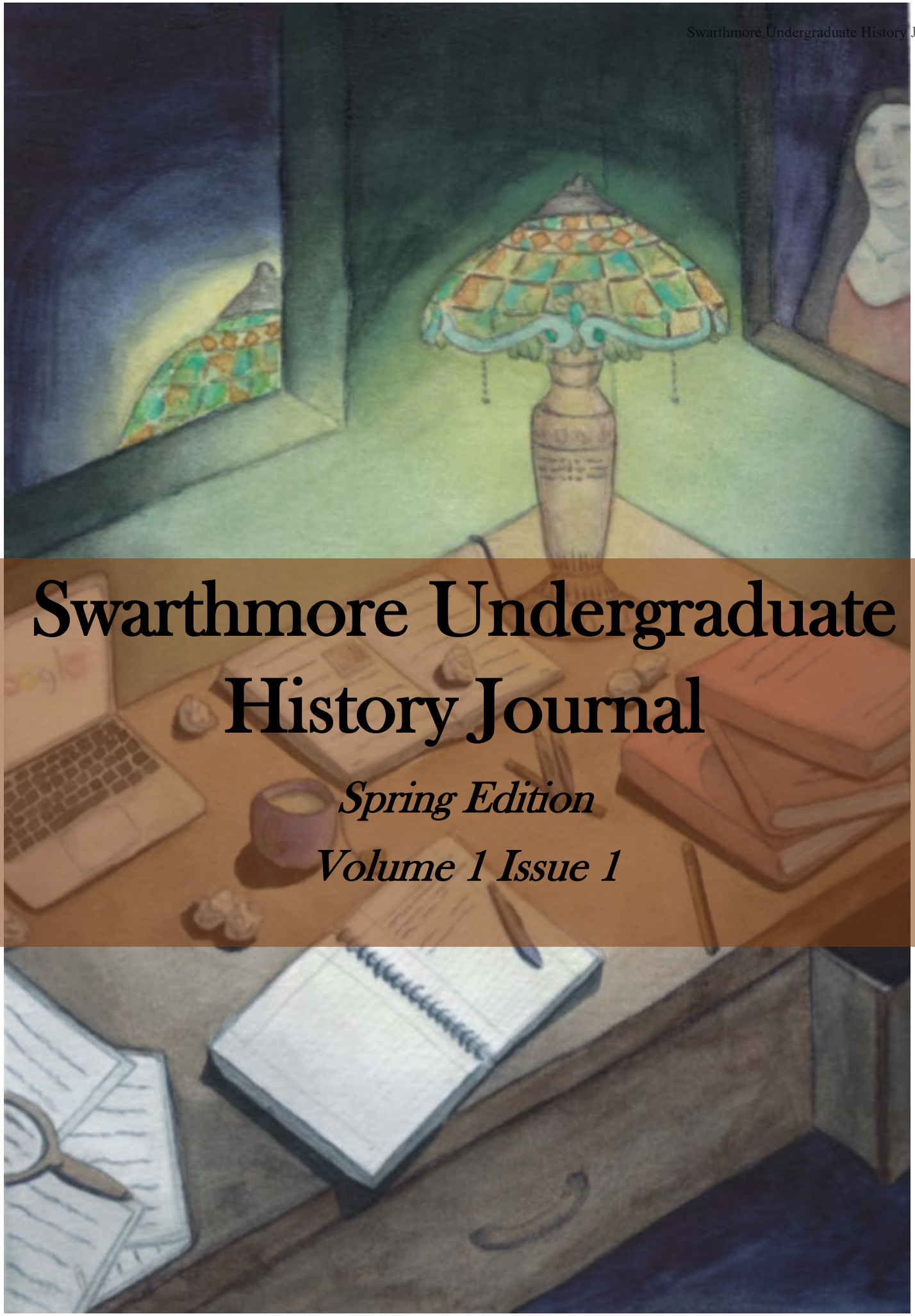

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About This Journal

Swarthmore Undergraduate History Journal is a peer-reviewed, faculty-approved, student run research publication that seeks to encourage undergraduate scholarship on diverse subjects. We uphold publishing ethics and are committed to the integrity of academic research. This journal is also specifically inclusive of historical narratives often overlooked in mainstream scholarship, and allows for the submission of interdisciplinary articles so long as the focus remains historical.

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Meet the Editors

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Editor-in-Chief

September is a senior at Swarthmore studying History and Religion, with a focus on religious development in Latin America. She hails from Orlando, FL, and loves kayaking in the swamp and meeting lots of alligators. She has previously served on the board of *Voices* and *The Daily Gazette.*

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Vir is a sophomore from Haverford, PA, studying Physics and Statistics. In his free time, you can often find him playing Crusader Kings II and insisting that the Fourth Crusade was the dumbest war anyone started, ever.

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The Inner Revolution: Shuddhi and the Reinvention of Hinduism

Nirav Mehta

Swarthmore College

At first glance, Munshi Ram Vij was one of any thousands of wayward young men who roamed the Punjab province of British India in the late 19th century. Born into an orthodox Hindu family of the *kshatriya* (warrior) caste on February 22nd, 1856 in the city of Jalandhar, Munshi Ram was the youngest of the six children of Lala Nanak Chand, a police constable, and spent much of his childhood following his father's postings across the towns of the Punjab. Having shown academic potential in his early schooling, Nanak Chand pushed his son to pursue a college education and a career in law. However, Munshi Ram was a restless spirit. Raised him in orthodox Hinduism, Munshi Ram cast away his faith in disgust after witnessing the corruption of *brahmins* (priests). Attracted for a time to Christianity, Munshi Ram abandoned his intention to convert and declared himself an atheist. His education faltered as he was drawn into drinking and gambling circles. Stirred repeatedly by the passion of his father and devotion of his young wife, Munshi Ram tried again and again to mend his ways but always succumbed to temptation.

Amidst this turmoil in his life, Munshi Ram had a chance encounter with Dayanand Saraswati (1824 – 1883), the founder of the Arya Samaj (Society of Aryans), a religious order established in 1875 that sought to revive what it regarded as the original religion of the *Vedas.* Munshi Ram questioned Dayanand extensively on religious issues, and the sage responded to all. Finally, Munshi Ram admitted to Dayanand that while he could not counter his logic, Dayanand's answers had not given him "real faith." To this, Dayanand replied, "Look, you asked questions, I gave answers… When did I promise that I would make you believe in God? Your

faith in God will only come when the Lord himself makes you a believer."[1] This encounter started Munshi Ram on a personal journey, studying Dayanand's treatise, the *Satyarth Prakash* (*The Light of Truth*) as he completed his education in law. In 1884, Munshi Ram converted into the Arya Samaj and abandoned his observance of orthodox rituals. When his father invited his son to participate in an orthodox celebration of *ekadashi,* which included a ceremonial feeding of brahmins, Munshi Ram refused. When tasked by his father to declare if he believed in the Hindu ritual of *ekadashi*, Munshi Ram replied, "I do not consider those you intend to honor with gifts real brahmins and I do not think that *ekadashi* is a special kind of day."[2] Deeply disappointed, Nanakchand nevertheless let his son practice his new faith, but expressed the greatest sorrow of an orthodox Hindu father when he said, "I do not believe that on my death there will be anybody to offer me water," a final rite that every Hindu son must offer for the salvation of his father's spirit.[3] However, as his father's health declined over the years, Munshi Ram nursed him with great care. Nanakchand was impressed his son's transformation into a disciplined young man. In his last moments, Nanakchand expressed his desire to have his funeral rites be performed according to the traditions of the Arya Samaj. Although he died before his wishes could be carried out, Munshi Ram performed the *havan* (holy fire) ceremony according to Arya tradition for the peace of his father's soul.

The account of Munshi Ram Vij's conversion is a microcosm of a dramatic religious struggle that was being waged both within Hindu society and between Hinduism and other religions in the 19th and 20th centuries. In the aftermath of the Indian rebellion of 1857, India had become a Crown colony of the British Empire and the British had introduced a degree of self-

[1] J.T.F. Jordens, *Swami Shraddhananda: His Life and Causes* (Bombay: Vidya Bhavan, 1961), p. 10.
[2] Jordens, *Swami Shraddhananda,* p. 18.
[3] Ibid., p. 19.

governance through limited voting rights and native representation on local governing councils. Representation was to be assigned according to the proportion of religious communities in the provinces, which would be determined by a population census. However, this policy sparked an intense competition for access to political power amongst India's Hindus, Muslims, Sikhs and Christians. Being one of the largest and most populated provinces, the Punjab was an important theater for this contest, divided as it was between Muslims, who constituted a plurality and large minorities of Hindus and Sikhs. In the Punjab and other parts of India, the Hindus increasingly perceived themselves as facing an existential crisis, at risk of both political disenfranchisement as well as social and religious extinction. Such fears were not groundless; in the 1881 census of the Punjab region, Hindus constituted 43.8 percent of the total population, while Muslims numbered at 47.6 percent; the Sikhs at 8.2 percent and Christians at 0.1 percent. The 1911 Census showed a five percent decline in the Hindu population, which prompted Colonel U.N. Mukherjee, a former Indian officer in the British Indian Army to publish a pamphlet, *Hindus: A Dying Race,* in which he predicted that the Hindu population was on track for extinction by the next two hundred years.[4] By the 1941 census, the last before India's independence, the Muslims constituted a clear majority in the Punjab at 53.2 percent, the Sikhs stood at 14.9 percent, Christians at 1.9 percent while Hindus stood reduced at 29.1 percent, having dropped 14.7 percentage points over 60 years.[5]

However, the alarm over the census was not the only factor contributing to the unrest in Hindu society. The introduction of British-style educational institutions and an industrializing economy had been transforming society. Rural economies were disrupted even as opportunities

[4] Shraddhananda Sanyasi, *Hindu Sanghatan: Saviour of a Dying Race* (Delhi: Arjun Press, 1926), p. 14-15.
[5] Gopal Krishan, Demography of the Punjab 1881 - 1947*, Journal of Punjab Studies*, Vol. 11, Issue No. 1, 2004, p. 83.

arose in urban areas, creating tides of rural-to-urban migration.[6] This in turn created a new class of restless youth who found themselves caught between a Westernized, colonial culture of elite Indians and the traditionalism of the masses. These were men like Munshi Ram, who were educated in English and saw the major failings and corruption in traditional societies but felt rootless and lost in the colonial alternative.[7] As lower caste Hindus received educational and employment opportunities, they grew increasingly dissatisfied with the discrimination they faced from orthodox society. The need for the creation of new 'Hindu' religious identity and society became clear. However, by the 19th century, Hindu society had become rigidly structured and segregated into four broad castes and thousands of sub-castes, with inter-marriage and other social intercourse strictly prohibited between upper and lower castes. Unlike Islam and Christianity, Hinduism had no tradition of proselytization in existence in the 19th century that could induct new converts into their fold. In fact, orthodox Hinduism had been strict in rendering outcaste any Hindu who participated in unclean professions (mostly those which involved contact with flesh) or who converted to another religion. A radical solution was necessary to ensure the survival of a deeply orthodox and hierarchical religion, and the two individuals who provided the solution have already been introduced to us.

In the 19th century, the Arya Samaj was sometimes mistaken for a distinct religion as its foundational teachings sharply contradicted popular and orthodox Hinduism. Although rooted in the *Vedas*, the four central scriptures of Hinduism, the Arya faith denounced idol worship, polytheism and the hierarchy of thousands of castes and subcastes that had come to define

[6] Rowena Robinson and Sathianathan Clarke, "Introduction: The Many Meanings of Religious Conversion on the Indian Subcontinent," in Rowena Robinson and Sathianathan Clarke, ed., *Religious Conversion in India: Modes, Motivations and Meanings* (New Delhi: Oxford University Press, 2003).
[7] Kenneth W. Jones, *Arya Dharm: Hindu Consciousness in 19th-Century Punjab* (Berkeley, C.A.: University of California Press, 1976), p. 313-314.

Hinduism. Dayananda Saraswati argued that the original religion established by the *Vedas* was monotheistic, forbade idol worship and recognized only four occupational castes, entry into whom was determined not by birth but ability. Joining the Arya Samaj did not require renunciation of any other creed, merely acceptance of the Ten Principles of the Samaj. Although greeted with antagonism by orthodox Hindus, Christians and Muslims, Dayananda's vision assuaged the concerns of many who were deeply concerned by caste inequality and simplified the message and social hierarchy of Hinduism. In contrast to the brahminical dominance in Hinduism, Dayananda rejected the notion that brahmins were "intermediaries" between God and humanity.[8] For Dayananda and its adherents, the Arya Samaj was not a new religion but the original and pure Hindu religion, which had been corrupted over the centuries. Dayananda and the Aryas saw their mission as rescuing and reviving the true faith from both the corruption of orthodoxy as well as the threats from other religions. Thus, the population crisis faced by Hindu society also concerned Dayananda and the Aryas. In response, Dayananda revived and reinstituted the ancient tradition of *shuddhi* (purification), which had been used in previous centuries to "purify" and readmit Hindus who had been converted to Islam or been involved in practices considered "impure" by their caste order. With *shuddhi*, Dayananda sought not only to "reconvert" any Hindus converted to Christianity or Islam, but, in a revolutionary departure from orthodoxy, also to convert Muslims and Christians who had never been Hindus. This radical reinvention of *shuddhi* might have died with Dayananda in 1883 but for the newest Arya convert, Munshi Ram Vij. Taking the Hindu vow of ascetism in 1917, Munshi Ram Vij became a *sanyasi* (monk) and took a new name, Swami Shraddhananda. From the late 19th century until his

[8] Christophe Jaffrelot, ed., *Hindu Nationalism: A Reader* (Princeton, N.J.: Princeton University Press, 2007), p. 11.

assassination in 1926, Shraddhananda established a nationwide *shuddhi* movement, seeking to reconvert Hindus who had been converted to other religions, purify outcaste "untouchables" and restore them to their original caste and win fresh converts to Hinduism from other religions.[9]

The history of the *Shuddhi* movement is a prisoner of other histories. The movement is rarely examined as a Hindu quest for a new identity and as a potential remedy for social ills and more frequently regarded as merely a symptom of a social and political maladies. The traditional historiography of the *Shuddhi* movement has analyzed it through three distinct perspectives. The first ascribes it as a product of British colonialism on religion in India; triggered by the census and the introduction of mass democracy, *shuddhi* is reduced as a reactionary device affecting the overarching issue of inter-religious peace, which remained a constant challenge for the British Raj.[10] Conversion to Hinduism was seen as construct not only of Hindu political figures but of the policies of British colonial administrators and activities of Christian missionaries who influenced its design.[11] This perspective presents *shuddhi* as a Hindu 'extremist' contribution to the broader communal conflict in India. The second historiographical tradition emerges from the study of identity construction and social emancipation in this period in British India that focused on the native quest for liberation from caste oppression by the means of universalist religions such as Christianity and Islam. For this tradition, *shuddhi* is a purely political strategy adopted by the Hindu nationalist movement to consolidate Hindu society and counter the growth and

[9] Pandit Harikishan Kaul, "Punjab: Part I, Report," in *Census of India, 1911, Volume XIV* (Lahore: Civil and Military Gazette Press, 1912), p. 148.
[10] Kenneth W. Jones, "Communalism in the Punjab: The Arya Samaj Contribution." *The Journal of Asian Studies*, Vol. 28, No. 1 (November 1968), p. 39-51.

[11] Yoginder Sikand, "Arya *Shuddhi* and Muslim *Tabligh*: Muslim Reactions to Arya Samaj Proselytization (1923 – 1930)," in Rowena Robinson and Sathianathan Clarke, ed., *Religious Conversion in India: Modes, Motivations and Meanings* (New Delhi: Oxford University Press, 2003), p. 100.

political influence of Islam and Christianity.[12] The development of *shuddhi* by the Arya Samaj is seen as inspired by and as a reaction to Christian proselytization.[13] This school focuses almost exclusively on the issues of political strategy and political actors, leaving no room for considering social and religious transformation of Hinduism that was taking place both on a societal level and within Hindu families, as witnessed by the account of Munshi Ram Vij's conversion. The third perspective defends the movement in apologetic and often hagiographic terms and is primarily authored by participants and supporters of the movement.[14] However, to regard the question of conversions to Hinduism in these purely reactionary and political terms is to ignore an entire potential history of socioreligious renaissance and reorganization.

The *Shuddhi* movement of the late 19th century was a religious revolutionary movement that aimed to intrinsically restructure and transform the Hinduism and Hindu society into a more socially equalized and religiously universal system. It was a quest to reconstruct Hindu religious and social identity in response to socioeconomic modernism. The first phase of the movement lasted from the 1880s to the late 1910s and was defined by a persistent struggle with orthodox society to transform Hinduism by opening its doors to induct and assimilate returning and new converts. Here, the religious argument of *Shuddhi* is conditioned to dismantle orthodox restrictions to conversion and to build new institutions of entry and integration into Hindu society. The second phase of *Shuddhi* began in the early 1920s with the emergence of a consensus between the orthodox and the Arya-led reformers, who expanded the *Shuddhi*

[12] Iris Vandevelde, "Reconversion to Hinduism: A Hindu Nationalist Reaction Against Conversion to Christianity and Islam," *Journal of South Asian Studies*, Vol. 34, No. 3 (April 2011), p. 31-50.

[13] Sikand, p. 101.

[14] Lajpat Rai, *A History of the Arya Samaj: An Account of Its Origin, Doctrines and Activities, with a Biographical Sketch of the Founder* (Calcutta: Orient Longmans, 1967).

movement to confront the challenges presented by Islam and Christianity. Although this phase witnesses greater politicization, the religious argument of Shraddhananda's *Shuddhi* campaign aimed to reconstruct Hinduism as a universal religion. However, Shraddhananda's assassination in 1926 led to a slowdown in the campaign, and its second phase can be argued as having ended in 1947. Political events and forces repeatedly caused the *shuddhi* movement to modify its strategies and goals but remained external forces and did not alter the religious purpose of the *shuddhi* movement until after Shraddhananda's death.

The first phase of the *shuddhi* movement was defined by the conflict between the Arya Samaj, which led the *shuddhi* campaigns in the Punjab and expanded it across northern India, and orthodox Hindu society, which staunchly opposed the re-assimilation of the newly 'purified.' In this period, the *shuddhi* movement facilitated the religious reconstruction of Hindu society and established Aryaism as the unifying superstructure of Hindu theology and tradition. By breaking down barriers to both assimilation and re-assimilation, the *shuddhi* movement fought to establish that a 'purified' Hindu, whether an outcaste being reintegrated or a newcomer entering Hinduism, became the equal of the 'orthodox' Hindu immediately after undergoing purification. The acceptance and integration of the 'purified' peoples was also presented as a religious duty of orthodox Hindu society, strengthening the salvation of the community.

The instrument of *shuddhi* had been developed in ancient India to re-assimilate those Hindus who had been rendered ritually "impure" by practices considered impure or due to contact with non-Vedic peoples. The term *shuddhi* is a Sanskrit word that literally means "purification." Vedic scripture such as the *Atharvaveda* and the describe special rites to "re-admit anyone fallen outside the pale of orthodox Aryan society, making him capable of studying

the Vedas and eligible for social intercourse with the Aryas."[15] The first major historical crisis that threatened Hindu society with the problem of conversions to foreign religions had occurred in the aftermath of the Arab invasion of Sindh between 710 and 715 CE, in which Arab Muslim armies oversaw mass conversions of Hindus to Islam. It was during this time that the Sanskrit text, the *Devalasmriti*, was composed and specifically addressed the problem of re-assimilating Hindus who had been converted to other religions.[16] The text devised an elaborate ritual of purification and penance, the completion of which reinstated a Hindu into their former caste community. The Arab chronicler Biladuri observed that after the Arab Muslim armies retreated, most of the Hindus converted to Islam in this period had "returned to idolatry."[17] Those Muslims who had settled in India were also eventually assimilated into Hindu society. The English historian Sir Denison Ross stated that "they [Muslims] were in such small numbers that they were gradually merged into Hindu population. In Mansura (the capital of Sind) they actually adopted Hinduism."[18] [19]

By using *shuddhi* to induct Muslims, Christians and Hindu outcastes into the Hindu fold as equals, Dayananda reinvented *shuddhi* to incorporate the principle of assimilation and acculturation that had been a foundational element in the construction of the Hindu religion and society.[20] In ancient India, this process had been carried about by Brahmin priests who established close ties and "mutually supportive relationships" with warrior chieftains of tribes

[15] J.T.F. Jordens, "Reconversion to Hinduism, The Shuddhi of the Arya Samaj," in G.A. Oddie, ed.*, Religion in South Asia* (Delhi: Manohar, 1977), p. 146.
[16] D. R. Bhandarkar*, Some Aspects of Ancient Indian Culture, Sir William Meyer Lectures, 1938-39* (New Delhi: Asian Educational Services, 1989), p. 67; Jordens, *Reconversion*, p. 146.

[17] Bhandarkar, p. 67.
[18] Ibid.
[19] Ibid.
[20] Yoginder Sikand and Manjari Katju, "Mass Conversions to Hinduism among Indian Muslims," *Economic and Political Weekly*, Vol. 29, No. 34 (Aug. 20, 1994), pp. 2214.

either indigenous but non-Aryan or those that had newly arrived and settled in the Indian subcontinent. Disseminating knowledge of Vedic rituals and teachings, the Brahmins established the chiefs and the warriors as the *kshatriya* (warrior and princely) caste and assumed for themselves the role and duties of the priestly order. The remainder were assimilated as per their occupation into the *vaishya* (merchant and trader) caste and the *shudra* (farmer and laborer) caste. This process of assimilation enabled Hinduism to absorb into itself many foreign tribes and peoples, including the ancient Greeks, the Kushans, the Huns and the Scythians.[21] It did not fit the definition of a religion "conversion" as "non-Hindus admitted into the Hindu caste system were not required to accept any particular set of beliefs and customs as a pre-condition."[22] However, Dayananda's *shuddhi* process added major religious innovations in contrast to the caste and orthodox confines of traditional Hinduism. The 'Ten Principles' of the Samaj, the simplicity of its monotheism and its incorporation of the principles of human equality made it attractive to those either attracted to Hindu culture and religion or seeking to be restored as equals in Hindu society. Shraddhananda laid the foundation for creating a universalist appeal and a global mission for Hinduism when he argued that "the structures of Judaism, Christianity, and Islam are based on Zoroastrianism which preceded them in time… [and] in fact Zoroastrianism was nothing but a corrupt version of the Vedic religion. Various arguments were used [by Shraddhananda] to prove this assertion such as: old Parsee names were derived from the Vedas; the Avesta mentions the Vedas, Sanskrit was the origin of the language of the Avesta; the latter refers to Vedic heroes and sages, and even to puranic deities."[23] This religious doctrine, while contestable on the authenticity of its own reading of religious histories, offers an important

[21] Bhandarkar, p. 68.
[2222] Sikand and Katju, p. 2214.
[23] Jordens, *Swami Shraddhananda,* p. 101.

insight into the evolving message and purposes of *Shuddhi*. In contrast to the political doctrine of *Hindutva* advocated by Savarkar, Shraddhananda is asserting the principal of universal origins for the Hindu religion. By describing the religion of Zoroastrianism, which in turn inspired Judaism, Christianity and Islam, as a "corruption" of the Vedic religion, Shraddhananda is both laying the theological foundations justifying the doctrine of "purification" of those following "corrupt" paths into the "pure" religion, while simultaneously rejecting the boundaries of national and political identity as exclusionary mechanisms.

The intense religious struggle underway in the Punjab provided the ideal setting for the launch of the Arya Samaj's *shuddhi* movement. While Dayananda Saraswati had performed the *shuddhi* of a small number of people before his death in 1883, the task of establishing a campaign fell to the local and provincial branches of the Samaj in Punjab. However, when these branches of the Arya Samaj began officiating *shuddhi* ceremonies for outcastes and converted Hindus, not only did local orthodox Hindus refuse to accept the purified individuals but threatened to excommunicate the Aryas as outcaste from their own communities. Orthodox Hindus were deeply suspicious of the reinvention and expansion of the concept of *shuddhi*, believing that it distorted social and religious traditions. Lay orthodox Hindus were also apprehensive about losing their social dominance by having to share their caste status with hitherto outcaste peoples. While urban and educated Hindus were increasingly conscious of the decline of the Hindu population, rural elites were either ignorant of the census and its consequences or indifferent to the bigger picture. The rural elites were also deeply resistant to changes that alleviated or equated the social status of those they had for centuries considered their inferiors. The Aryas were also confronted with a grave problem in that their own social, economic and personal lives still depended on the *biradari* (brotherhood) of their caste

communities, to which they still belonged and relied upon for social relationships, marriages, friendships and economic activities.[24]

As a result, the Arya Samaj made strenuous efforts to court, cajole and even coerce Hindu orthodox leaders into accepting and approving the *shuddhi* campaign. In 1886, orthodox Hindu leaders in Jalandhar threatened to outcaste all members of the Jalandhar Arya Samaj and sought to convene a *panchayat* (public meeting of community leaders) of Jalandhar's Brahmin priests to issue the declaration. The crisis was averted when Shraddhananda and his fellow Arya Samaj leader Devraj threatened to expose the corrupt practices of several senior orthodox priests of Jalandhar, which led to their non-participation in the panchayat.[25] The remaining orthodox opponents of the Arya Samaj later organized themselves into the Puranik Dharma Sabha and continued efforts to oppose the *shuddhi* work of the Aryas.[26] The *shuddhi* movement was compelled to work locally in order to overcome trenchant opposition and facilitate a religious transformation. In the city of Amritsar, the Arya Samaj crucially won over the most influential orthodox cleric, Tulsi Ram, who approved of the *shuddhi* ceremony and issued "purification letters" to the purified individuals, who traveled to the Hindu holy city of Haridwar to take a ritual dip in the holy river, the Ganges, to complete their purification.[27] This modification of the *shuddhi* ritual contradicted Dayananda's essential teachings, which regarded the reverence of physical objects, whether idols or rivers, as idolatry. The compromise reveals the necessity the Arya Samaj always felt of winning the support of orthodox Hindu society for the *shuddhi*

[24] Jordens, *Reconversion*, p. 149.
[25] Jordens, *Swami Shraddhananda*, p. 20.
[26] Ibid., p. 20.
[27] Jordens, *Reconversion,* p. 149.

campaign. The Arya objective was to reconstruct a more equalized and unified Hindu society; it did not want to separate or be separated from the mainstream Hindus.

The missionary work of the Arya Samaj was carried out through a systematic and organized campaign that invested years in the propagation of the Arya message from village-to-village, organizing inter-caste community gatherings to preach and win adherents. By 1893, the Arya Samaj had become powerful enough to reconfigure the *shuddhi* ceremony entirely according to Dayananda's emphasis on simplicity, uniformity and the absence of excessive ritualism. Removing the obligatory dip in the Ganges, the Arya Samaj instituted a ceremony that involved the "the shaving of the head, *havan* (holy fire), explanation of the *Gayatri* (sacred Vedic *mantra*), investiture of the holy thread where applicable, explanation of the Samaj duties, and finally distribution of *sherbet* by the converts to all present."[28] At times, a certificate of *shuddhi* was issued to ensure the re-opening of social intercourse with caste Hindus.[29] The purification ceremony was performed in a gathering of all local community and caste members in order to acknowledge and confirm that there was complete acceptance of the act of purification and to ensure that purification would be followed by the implementation of integration and that all social boycotts would end.

As the purification campaign progressed in winning adherents and building consensus, the Arya Samaj sponsored the creation of special community organizations to keep the purified community united and organized and to serve their interests. In his record of the campaign to purify the Meghs, a caste community of menial workers, the Punjabi Arya and Hindu political

[28] Ibid.
[29] Lajpat Rai, *A History of the Arya Samaj: An Account of Its Origin, Doctrines and Activities, with a Biographical Sketch of the Founder* (Calcutta: Orient Longmans, 1967), p. 121.

leader, Lajpat Rai, recounted the creation of a "special organization… to look after their education, etc., called the Megh Udhar Sabha (Society for the Uplift of Meghs), which maintains a Central School and several primary schools."[30] The Sialkot Arya Samaj established a new housing colony for the Meghs, dug wells to provide permanent clean water supply and constructed a dedicated hospital. They also established local community assemblies, composed of the most educated and religious Meghs, who would serve as community leaders and impart religious instruction: "the "Arya Bhagats," the designation of the purified Meghs, would lead a paternally-directed life under the tutelage of their enlightened Arya brethren."[31] Thus, the purification process was followed by an elaborate and continuous effort to socially and economically uplift the purified peoples and to preserve and consolidate the newly Hinduized community within the order of Hinduism.

However, the Arya Samaj was still at times forced to backtrack on its core religious objectives and modify its *shuddhi* campaign to refrain from purifying those outcaste communities considered "too impure" by the local upper-caste elites. This is exemplified in the case of the *shuddhi* of the Kabirpanthi sect, members of the untouchable Chamar caste in 1909. The orthodox Sanathan Dharma Sabha of Hoshiarpur actively mobilized public opinion against the Hoshiarpur branch of the Arya Samaj and succeeded in excommunicating them for several years.[32] While the excommunication ultimately failed, and both the Aryas and the Chamars were reintegrated into the Hindu community, the Arya Samaj was thenceforth reluctant to attempt the *shuddhi* of untouchable communities where it perceived the local upper-caste sentiment to be too hostile. In his *History of the Arya Samaj*, Lajpat Rai noted that receptiveness and resistance to

[30] Rai, p. 126.
[31] Jones, *Arya Dharm,* p. 307-308.
[32] Ibid., p. 308-309.

integration with the purified communities continued to vary across urban-rural lines as well as regionally: "In Lahore and some other places we find that high caste Hindus have no scruples in sending their children to the schools which we maintain mainly for the depressed classes. The children mix quite freely and on equal terms. In the [United Provinces], the home of Hindu orthodoxy, the work is more difficult…"[33] Rural orthodox elites resisted breaking caste barriers that would equalize them with those they had long regarded as their inferiors. Nevertheless, Rai noted a degree of success in purifying the Dome caste of "untouchables" into the Arya Samaj in the United Provinces.

It was the arrival of a political controversy that enabled the Aryas to break the opposition of Hindu orthodoxy. On November 12, 1910 *The Tribune* published the "Gait Circular," which was a note from E.A. Gait, the British official serving as the Commissioner of the Census, that stated: "… the complaint has often been made that the Census returns of Hindus are misleading, as they include millions of people who are not really Hindus at all."[34] The Circular argued that outcaste communities should not be counted as Hindus and should be listed separately in a special table, although they would still be counted as Hindus in the general tables of the census.[35] Hindu community and religious leaders, both orthodox and Arya, reacted to this policy as a deliberate attempt to diminish the numerical strength of Hindus. Past reclassifications had served to reduce the numbers of Hindus, especially when the 1871 Census stopped classifying Sikhs as Hindus and decreed them as a separate religious community. Hindu leaders believed that the latest reclassification attempt was the result of the lobbying of the Viceroy by leaders of the All-India Muslim League, the largest Muslim political party in the country, who had argued that

[33] Rai, p. 127.
[34] Jones, *Arya Dharm*, p. 305-306.
[35] Ibid.

"outcastes were not Hindus and should not be considered as such for any purpose."[36] (Hindu leadership interpreted the Gait Circular as the British government accepting the Muslim argument; further, they recognized that separating outcaste communities would not only reduce the Hindu population and diminish its proportional claim to representation in councils, but the Muslim representation would be strengthened in comparison. Further, the reclassification would create a new population vulnerable to Islamic and Christian proselytization. As a result, orthodox Hindu leaders and their organizations began to recognize *shuddhi* as essential to the defense of Hinduism and the religious and political interests of the Hindu community across India. The *Arya Patrika*, the official publication of the Arya Samaj, noted with satisfaction that the "oracle of Hindu Society," the orthodox Hindu leaders and organizations had firmly asserted "in bold and unambiguous terms that the Depressed Classes are part and parcel of the Hindu body politic… The penitent convert is no longer kept at an arm's length. He is taken back into the bosom of the mother religion."[37]

Following the Gait Circular uproar, Arya Samaj and orthodox Hindu leaders from the Punjab and the United Provinces began to work together to organize the *shuddhi* movement for the first time on an all-India basis. The first All India Shuddhi Conference was held in the city of Allahabad (now Prayagraj) in the United Provinces, with senior Arya leaders Swami Shraddhananda, Ram Bhaj Datta and Sarda Charan Mitra attending the meeting, and the Conference resolved to establish the All India Shuddhi Sabha on June 23, 1911. Both at the Conference and at the inaugural meeting of the new Sabha, it was declared "that it is desirable and necessary to admit in the fold of Hinduism those non-Hindus who desire to be admitted after

[36] Jones, *Arya Dharm*, p. 305-306.
[37] *Arya Patrika*, January 14, 1911, SPVP 1911, p. 83.

the performance of *Prayaschitta* and *Homa*."[38] However, the new organization was still a coalition of mixed interests, with some members seeking only to stem the decline in the Hindu population while others believed in actively propagating the Hindu religion to all the people of India. As a result of the reinvigorated *Shuddhi* campaign, the number of Aryas in the United Provinces increased from 25,458 in the 1891 census, to 65,572 in 1901 to 131,638 by 1911.[39] Additionally, the Arya reinvention of Hinduism appealed to many upper-caste Hindus as well, with many different communities such as the Ahirs, Lodhas, Rajputs, Banias, Brahmins, Kayasths and Jats joining the ranks of the Arya Samaj.[40] By the turn of the century, the Arya Samaj also expanded its operations into the province of Sindh (now in Pakistan). In 1905, the Sukkur branch of the Arya Samaj performed the purification of the Sheikh community of Larkana city; low-caste and Muslim, the Sheikhs were successfully reintegrated into Hindu society.[41] Expanding into the then-princely state of Jammu and Kashmir, the Arya population there rose from 79 in 1901 to 1,047 by 1911 and reached 23,116 by 1921.[42] The extension of the Megh upliftment campaign to Kashmir significantly bolstered the numbers of Arya Hindus and branched off in 1913 into a campaign to purify the Basith community, which added 9,000 people to the ranks of the Aryas by the end of the decade.[43] Special *shuddhi* campaigns were aimed at purifying and reintegrating upper caste, *kshatriya* communities that had converted to Islam several centuries ago. The status of the *kshatriya* as the warrior caste remained significant in Hindu society even in the 20th century, and the return of *kshatriyas* into the fold of Hinduism

[38] Jones, *Arya Dharm*, p. 307.
[39] E.A.H. Blunt, "United Provinces of Agra and Oudh: Part I, Report," in *Census of India, 1911, Volume XV* (Allahabad: Government Press 1912), p. 105, 116.

[40] Jones, *Arya Dharm*, p. 360.
[41] Ibid. p. 303.
[42] Ibid, p. 311.
[43] Ibid.

bolstered both the numbers of Hindus as well as their social prestige and morale.[44] Organizing the Rajput Shuddhi Sabha (Assembly), the Arya Samaj converted 1,052 Muslim Rajputs to Hinduism between 1907 and 1910.[45] The campaigns to purify Rajput communities extended into the princely state of Baroda and the Central Provinces. In this period, the Arya Samaj also began generally proselytizing to and winning converts from Muslims and Christians across caste lines.

The success of the *Shuddhi* movement created fresh problems for the Arya Samaj in terms of achieving complete religious and social integration of the purified into Hindu society, which relied upon caste as its central identity and agency for social intercourse. For those purified individuals who had been born Hindu and had been converted to another religion, the matter was simpler as they were received into their old caste identity. This was most successfully achieved in the case of Rajputs, who were assimilated into the higher caste echelons. However, the Arya Samaj faced a dilemma in the case of the new converts won from Christianity and Islam, who had no Hindu genealogy and caste origin. These converts could only rely upon the Arya Samaj as their gateway to social intercourse with Hindus; at the same time, Hindus members of the Arya Samaj were largely still members of their original caste communities, and thus, were averse to establishing any deep social relationship or marriages with the new converts as they feared excommunication.[46] This problem was the subject of intense debate and protest in meetings of the Samaj through the 1880s and the 1890s, with radical members arguing that any failure to fully integrate non-Hindu converts would be to fail the teachings and ideals of Dayananda.[47] These radical members created the Arya Bhratri Sabha (Arya Brotherhood

[44] Jones, *Arya Dharm*, p. 304.
[45] Blunt, p. 134.
[46] Jordens, *Reconversion*, p. 155.
[47] Ibid.

Assembly), which argued that the full integration of new converts required the Arya Samaj effectively taking on the functions of a caste by establishing, encouraging and facilitating inter-marriage between Aryas.[48] However, this proposal was opposed by a majority of the Arya community, which argued that Dayananda had envisioned the Samaj as a movement to reform Hinduism and Hindu society in its entirety and not restrict or diminish itself into simply becoming a new caste community.[49] Although the question of integration was never properly resolved, leaving new converts reliant upon the Samaj for their social interactions, the radical wing of the Samaj played an important role in expanding the *Shuddhi* movement in the succeeding decades.

As the *shuddhi* movement became increasingly successful in restructuring the religious foundations of Hindu society with the re-assimilation of purified peoples, its second phase was defined by an increasing politicization caused by religious tensions and violent confrontations with the Islamic and Christian religions. While carefully avoiding direct politicization, Shraddhananda reshaped the movement to construct greater Hindu social and religious solidarity and to elevate a more universalist and intensive *shuddhi* campaign in direct competition with Islam and Christianity. What had hitherto been an Arya Samaj-centric movement now diversified and established mass mobilization organizations to expand *shuddhi* campaigns faster and achieve deeper transformation. Once again, political events triggered a religious transformation in Hindu society. In August 1921, the Moplah Muslims of the Malabar region of south India launched an anti-British and anti-Hindu rebellion that claimed the lives of thousands of people, with several

[48] Jones, *Reconversion*, p. 155.
[49] Ibid.

hundred Hindus forcibly converted to Islam.[50] The riot proved to be a watershed moment in the history of Hinduism as more Hindus considered political cooperation with Muslims impossible and saw the necessity of articulating a uniquely Hindu political identity. The politicization of the Hindu identity was facilitated by the British authorities. The 1911 Census report on the United Provinces defined "Hindu" as a racial, social and religious identity.[51] The British author of the census report, E.A.H. Blunt, wrote that a Hindu is "a native of India" who is not of any traceable "foreign descent," and who belongs to a "recognized caste" and abides by the "spiritual authority of Brahmans."[52] Blunt went on to say that "Hinduism is essentially indefinite, and to define the indefinite is a contradiction in terms."[53] Having failed to define the religion of Hinduism, Blunt improvised a working definition of a Hindu, for which he naturally resorted to racial and national criteria, which in turn bolstered the construction of a racial-national "Hindu" identity by Hindu nationalists. In 1923, the Hindu nationalist politician, Vinayak Damodar Savarkar (1883 – 1966) penned the pamphlet *Hindutva: Who is a Hindu?* defining the ideology of Hindutva (Hinduness), defines the ideological project of Hindu nationalism as purely "political" and definitely not religious or theological in nature. For Savarkar, a "Hindu" is a racial and national identity of the one who accepts that his or her ancestors were Hindus and regards "undivided India" (the Indian subcontinent, including Pakistan, Nepal and Bangladesh) as both a "motherland" and a "holy land."[54] Himself an atheist, Savarkar contended that a "Hindu" could practice any religion of Indian origin, whether it be Hinduism, Jainism, Sikhism or Buddhism, or none at all. In contrast

[50] Rajmohan Gandhi, *Gandhi: The Man, His People and the Empire* (Berkeley, C.A.: University of California Press, 2008), p. 239-240.
[51] Blunt, p. 119.
[52] Blunt, p. 119.
[53] Ibid.
[54] Walter Anderson and Shridhar Damle, *The Brotherhood in Saffron: The Rashtriya Swayamsevak Sangh ad Hindu Revivalism* (Delhi: Penguin Random House India, 1987), p. 33-40.

to Dayananda Saraswati and Shraddhananda, Savarkar asserted that no belief in the Vedas was required to be Hindu.[55] What was necessary was the "blood of the mighty race incorporated with and descended from the Vedic fathers."[56] The religions excluded from this definition were foreign in origin – namely, Islam, Christianity, Zoroastrianism and Judaism. The direct implication of Savarkar's ideology was that only Hindus could be considered the true citizens of India, with non-Hindus relegated to second-class status. Savarkar's ideology was adopted as the creed of the Rashtriya Swayamsevak Sangh (National Volunteers Union, RSS), a militant Hindu nationalist organization formed in 1925. The second chief of the RSS, Madhav Sadashiv Golwalkar, demanded that non-Hindus either assimilate completely or take an inferior status:

> The foreign races in Hindusthan [India] must either adopt Hindu culture and language, must learn and respect and hold in reverence the Hindu religion, must entertain no idea but of those of glorification of the Hindu race and culture ... In a word, they must cease to be foreigners, or may stay in the country, wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges, far less any preferential treatment—not even citizens' rights.[57]

When writing of "foreign races" having to "adopt Hindu culture and language," Golwalkar did not propose a cultural assimilation taking place through the by then well-defined *shuddhi* process. Rather, both Savarkar and Golwalkar were building upon the actual racialist definition of "Hindu" as first proposed by E.A.H. Blunt in the 1911 census. This is demonstrated, firstly, by the fact that adherents of non-Vedic religions such as Jainism, Buddhism and Sikhism were being co-opted into the Hindu identity. Secondly, Golwalkar's writings revealed a glowing

[55] Vinayak Damodar Savarkar, *Hindutva: Who is a Hindu?* (New Delhi: Bharatiya Sahitya Sadan, 1989), p. 81.
[56] Ibid., p. 85.
[57] Madhav Sadashiv Golwalkar, *We or Our Nationhood Defined* (Bangalore: Bharat Prakashan, 1945), p. 62.

admiration of the racialist policy of Nazi Germany, whom Golwalkar lauded for "purging the country of the Semitic Races" and demonstrating "race pride at its highest."[58] Savarkar and Golwalkar advocated *shuddhi* for the purpose of building a Hindu majority large enough to establish a Hindu state in India, not to reinvent Hinduism as an equalized and universalistic religion and society.

Although Shraddhananda had grown considerably more suspicious of Muslim politicians and religious organizations in the aftermath of the Moplah rebellion, there is considerable evidence that his thoughts were evolving in a completely different direction from those of Savarkar and Golwalkar. Shortly before his assassination in 1926, Shraddhananda published his seminal work on the subject of *shuddhi*, which he titled *Hindu Sanghattan: Savior of a Dying Race*. Shraddhananda extensively discusses the reasons for the decline of the Hindu population. In a section specifically analyzing the region of Bengal, Shraddhananda observes that Islam had been successful in proselytizing as "the inhabitants had never been fully Hinduised... They were spurned by the high class Hindus as unclean and so listened readily to the preachings of the Mullahs who proclaimed that all men are equal in the sight of Allah…"[59] What is observable in this passage is that Shraddhananda is criticizing the Hindu community itself, firstly for not being attentive to the task of integrating their community by "Hinduizing" the peoples of eastern and northern Bengal, and secondly, for castigating fellow Hindus as "unclean" and being unsympathetic to their aspiration of equality and dignity, which Shraddhananda concedes is provided to them by the theology of Islam. Shraddhananda's candor regarding the appeal of Islam is accompanied by a critique of Hindu attitudes and social practices that contributed to

[58] Ibid., p. 35.
[59] Sanyasi, p. 16-17.

their own weakness and decline. However, there is another reason that the comparison to Islam is significant – Shraddhananda seeks for Hinduism to develop the same kind theological and social instruments that built for Islam a strong and expanding religious community. It is in this nuanced light, that Shraddhananda is consistently different and at a distance from the objectives of Hindu nationalist political thought. In his treatise, Shraddhananda offered a different, more explicitly theological doctrine that served as the foundation of the *shuddhi* movement:

> The salvation of the community depends upon common action taken by the Hindu Samaj as a whole, but individual salvation is the lookout of individuals. Theoretical Dharma is connected with individual salvation, and therefore, there is room for Theists, Pantheists, Henotheists and even Atheists in the broad lap of the organized Hindu Samaj. But the code of practical Dharma has to do with the community as a whole and, therefore here the plea of individual Dharma should not be allowed to prevail, nor should it hamper the efforts of the organized Hindu Samaj towards national salvation.[60]

Shraddhananda thus confirmed that unlike conversion to Christianity and Islam, the emphasis of *Shuddhi* is not exclusively on individual salvation or "inner change," which Shraddhananda asserted could be pursued through varied theological and non-theological traditions and is largely left upon the inclinations and endeavors of the individual in question. However, Shraddhananda extended the theological concept and pursuit of salvation to construct the concept of a collective salvation. Shraddhananda presented the doctrine of *shuddhi* as the opposite of conversion in Islam and Christianity by placing collective salvation as equally important to the salvation of the individual. In other words, the fulfillment of the practical religious duties (*dharma)* is facilitated

[60] Sanyasi, p. 189.

not only by the conscience of individuals but by the strength of the collective, the religious community. According to Shraddhananda, one cannot exclusively pursue salvation as an individual project; it is accompanied by the fulfillment of ritual duties and responsibilities towards broader society, which in turn, requires strong religious adherence to duty and organization within that society. Thus, to pursue *shuddhi* is one of the many solutions necessary to rejuvenate and strengthen the Hindu community. This double-edged message was aimed towards orthodox Hindus, who were charged with the responsibility of transforming themselves by ridding their prejudices of caste and religion that had caused the exit of low-caste Hindus to other religions. *Shuddhi* thus became not only the 'purification' of the 'impure' outcaste and non-Hindu foreigner, but the 'purification' of the hearts and minds of the orthodox, and the strengthening of Hindu society as a whole.

This new philosophy of *shuddhi* is exemplified by the nature of the *shuddhi* campaigns undertaken by the Arya Samaj and the *Shuddhi* Sabhas working under Shraddhananda's supervision. In the aftermath of the Moplah riots, the Arya Samaj played a critical role in aiding the forcibly converted Hindus, who found themselves excommunicated from their castes. Sending a mission to Malabar, the Arya Samaj carefully cultivated the orthodox Hindu leadership to convince them to perform the *shuddhi* of the afflicted Hindus. The Samaj raised a fund of 45,000 rupees to provide food supplies and rehabilitate the Hindus displaced by the violence. Convincing the Raja of Calicut to convene an assembly of Nambudiri caste priests, the Arya Samaj carefully established an agreement to perform *shuddhi* in compliance with the conditions set by the orthodox priests. The extensive outreach was successful and "practically all the forcibly converted, a figure that may have reached 2,500, were administered *shuddhi* and

restored to their old caste privileges."[61] This success of the Arya Samaj bolstered its prestige amongst Hindus across India, and Swami Shraddhananda renewed his call to strengthen and expand the ranks of Hindus through a nationwide *shuddhi* campaign. At the same time, he impressed upon orthodox Hindus the urgency of eradicating untouchability through *shuddhi* and uplifting the lower castes and outcaste communities. Shraddhananda pressed the Hindu Mahasabha (Hindu Grand Assembly), the conservative-orthodox Hindu political party, to pass a resolution unconditionally endorsing *shuddhi* and the eradication of untouchability. However, when the Mahasabha passed a resolution limiting their endorsement of *shuddhi* and resisting the complete integration of outcastes, Shraddhananda openly condemned the party for their hesitation and resigned from its membership, advocating the urgency "to get rid of all this rigmarole and to root out the curse of unseeability, unapproachability, untouchability and exclusiveness, there is only one sovereign remedy - and that is the resuscitation of the Ancient Aryan 'Varna-dharma.'"[62] In doing so, Shraddhananda emphasized the centrality of the religious purpose of *shuddhi* over the political agenda. In 1925, Shraddhananda launched the new Bharatiya Shuddhi Sabha (Indian Purification Organization), which was exclusively tasked with the responsibility of carrying out *Shuddhi* campaigns to reconvert and integrate Muslims, Christians and outcastes into the Hindu fold.

Perhaps the most significant *shuddhi* campaign that Shraddhananda guided in this period was the purification of the Malkana Rajputs. The term 'Malkana' was rooted in the word *milkiyat* (land ownership) and was applied to those Rajputs who reputedly converted to Islam in order to receive extensive land grants from Afghan rulers of northern India in the medieval ages.

[61] Jordens, *Reconversion*, p. 153.
[62] Sanyasi, p. 137.

However, this conversion was largely nominal, and the Malkanas had continued to observe both Hindu and Muslim customs, coming to be known as *adhbariya* (half Hindu-half Muslim).[63] Efforts to purify the Malkanas had begun in the 1900s, led by Shuddhi Sabhas organized by the Arya Samaj's Pandit Bhoj Dutt Sharma.[64] However, it was during Shraddhananda's leadership in the 1920s that the most successful mass *shuddhis* were performed. Although many historians have been inclined to view the Malkana *shuddhi* campaign as a Hindu nationalist project, Shraddhananda's own memoirs of the campaign reveal a two-pronged religious message that both sought the expansion of the Hindu community while criticizing the laxity and complacency of orthodox Hindus. In *Hindu Sanghathan: Savior of a Dying Race*, Shraddhananda discussed the case of the Malkana Rajputs, who had been ostracized by the Hindu Rajput caste community. Shraddhananda recounts how he mistook a deputation of Malkana Rajputs as being represents of the Hindu Rajput community and began to appeal to them to accept back into their fold the Malkana community.[65] Shraddhananda ascribed his mistake to the fact that the Malkana Rajputs had preserved their Hindu appearance, mannerisms and customs, despite their ostracism. Inquiring further with the Malkana representatives, Shraddhananda learned that they remained observant of vegetarianism and other Hindu rituals. Finally, he declared "it is not these brethren, who have maintained their Hindu faith through fire and sword, who have to be purified, it is their Hindu brethren who have to undergo purification ceremony (prayaschit) for their sin of neglecting their brethren for centuries."[66] Shraddhananda criticized the Rajput caste community for not taking any meaningful steps to fully re-integrate the Malkana community; relying simply upon the announcement of the acceptance of the Malkanas, "the Rajput Mahasabha went to

[63] Sikand and Katju, p. 2215-2216.
[64] Ibid.
[65] Sanyasi, p. 126.
[66] Sanyasi, p. 126.

sleep. I call the announcement misleading because an overwhelming majority of the Malkana Rajputs had never become Musalmans in faith and practice."[67] Shraddhananda levied a severe criticism on upper-caste Hindus for having ostracized their brethren purely out of ignorance and prejudice and for lacking religious consciousness and unity. The indirect implication of his criticism was that as Hindu society was itself responsible for its crisis, the work of *shuddhi* was necessary to reform orthodox society as much as to purify outsiders, with the orthodox performing their own 'purification' by properly integrating the purified peoples and renouncing their old beliefs.

By the end of 1927, more than 163,000 Malkanas had been converted to Hinduism.[68] This *Shuddhi* campaign was significantly aided by the Kshatriya Upkarini Mahasabha (Kshatriya Upliftment Grand Assembly), which worked to build a consensus amongst Hindu Rajputs to integrate the Malkanas successfully. The Arya Samaj and its associated Shuddhi Sabhas also performed the *shuddhi* of other nominally Muslim caste communities such as the Mala Jats and the Bishnois. In these cases, both communities had never been fully converted to Islam and integrated within Muslim society but had been classified as Muslims in censuses as they had been recorded as observing many Islamic customs such as the burial of the dead, using Muslim names, employing the word 'Allah' for God and avoiding idol worship.[69] Thus, the *Shuddhi* campaign first initiated de-Islamization, convincing these communities to stop observing customs associated with Islam. After this was achieved, the communities were prepared for the *shuddhi* ceremony and integrated into Hindu society. In 1923, the Arya Samaj began a campaign to de-Islamize and undertake the *shuddhi* of the Bhangi untouchable caste of the city of Jodhpur.

[67] Ibid., p. 127.
[68] Sikand and Katju, p. 2215-2216.
[69] Sikand and Katju, p. 2217.

According to census reports, approximately 62,844 converts from Islam, Christianity and tribal religions were added to Hinduism during the year 1927-1928.[70]

However, the Arya Samaj-driven *Shuddhi* movement began to substantially falter in the late 1920s due to the deaths of its most charismatic and influential leaders and subsequent factionalism. On December 23rd, 1926 Swami Shraddhananda was assassinated in Delhi by a Muslim extremist. In 1928, the Punjabi Arya leader Lala Lajpat Rai was severely beaten by police during a political rally protesting the Simon Commission, and soon died of a heart attack. After their deaths, the *shuddhi* movement organizations continued their work, but their success rate steadily declined. From its creation in March 1923 to March 1931, the Bharatiya Hindu Shuddhi Sabha purified 183,342 persons.[71] However, from 1931 to 1947, only about 42,150 persons were purified, which is a considerably smaller number in comparison to the first decade of the organization's existence.[72] The Bharatiya Hindu Shuddhi Sabha continued its work until the 1930s, when it fractured due to a dispute over Shraddhananda's methods and visions, into two factions, namely the Sabha itself and the new Akhil Bharatiya Shraddhananda Shuddhi Sabha (All India Shraddhananda Shuddhi Assembly).[73] As a result, the only effective leaders and robust organizations left to steward *shuddhi* campaigns were Hindu nationalists and conservatives who did not espouse the universalist outlook and more religion-driven purpose of *shuddhi* advocated by Shraddhananda.

The *shuddhi* campaigns undertaken by Hindu nationalist organizations were not aimed at reforming Hindu society as a whole but sought to build a stronger Hindu political identity and

[70] R.K. Ghai, *Shuddhi Movement in India: A Study of Its Socio-Political Dimensions* (Delhi: South Asia Books, 1990), p. 103.
[71] Ibid., p. 102-103.
[72] Ibid.
[73] Ibid., p. 103.

forestall conversions to Islam and Christianity. After India's independence in 1947, the RSS patronized the creation of two affiliated organizations that have taken over the functions of *shuddhi* in independent India. The first of these was the Vanvasi Kalyan Ashram (Indigenous People's Welfare Organization), which aimed to 'Hinduize' and otherwise culturally assimilate the indigenous tribal peoples of India. The second was the Vishva Hindu Parishad (World Hindu Council, VHP), which was created in 1964 as an explicitly religious organization and has functioned to continue *shuddhi* on the basis of caste integration. In 1975, the VHP organized several public meetings in the Indian state of Rajasthan bringing together the leaders of the Hindu Chauhan community to accept and reintegrate the Muslim Chauhans community after the *shuddhi* ceremony. The methods of the VHP in carrying out this *shuddhi* campaign were substantially different from the Arya Samaj. The VHP appealed to the Rajput caste identity, screening films on the lives of legendary Hindu Chauhan folk heroes, exhorting Muslim Chauhans to return to the faith of their glorious ancestors.[74] It organized *kirtan* sabhas, where devotional hymns and folk songs were performed, and preachers delivered sermons. However, it also used the methods of de-Islamization, by specifically instructing the Muslim Chauhans to stop the practice of circumcision, marry only according to Hindu rituals, use only Hindu names and not to call Muslim clerics to administer funerals.[75] To build support for the purification and integration process, the VHP did establish free hospitals and village medical clinics while distributing food and clothing amongst the poor of the Muslim Chauhans. The main *shuddhi* ceremony to be performed after the Muslim Chauhans submit a letter to the VHP voluntarily

[74] Sikand and Katju, p. 2218.
[75] Ibid.

declaring their intention to stop observing Muslim customs and taking a solemn oath to adhere to the "pure kshatriya dharma" (code of the warrior caste).[76]

The *shuddhi* movement initiated by Dayananda Saraswati and shaped by Swami Shraddhananda represented a revolutionary moment in the history of Hinduism. Hitherto histories of the movement had portrayed it as an almost exclusively political campaign, almost presuming the Hindu religion to be a stratified, static and non-evolving system. However, in this historical moment, an orthodox and hierarchical religion was undergoing an intrinsic transformation, on both a localized as well as a national scale. A social and religious system based on rigid, birth-determined, unequal caste hierarchies for thousands of years was acted upon by religious innovations seeking equalization, assimilation and integration of outcastes and outsiders into its religious community. When examined in context of the religious history of India and Hinduism, even the failures of *shuddhi* campaigns reveal the innately religious character of the movement. The orthodox defense of the barriers to integration faced by the purified outcaste and the non-Hindu seeking entry into Hindu society were essentially religious arguments; a reactionary force that cherished an ancient worldview built on the supremacy of the Brahmin and Kshatriya castes over the Vaishya and Sudra castes. Although the Hindu nationalist strategy of *shuddhi* resorted to appeals to nationalist and caste pride, the concept of caste at its heart remains a Vedic religious concept, a mutated echo of an ancient hierarchy established thousands of years ago. The *shuddhi* movement also presents an important insight into the historical agents of religious and social change within Hinduism. As stratified as its social structure has been, the decentralized religious hierarchy of leadership permitted laymen such as

[76] Ibid.

Dayananda and Shraddhananda to arise and introduce theological innovations, which in turn created socioreligious movements.

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Insurgent Visions of Migrant FREEDOM: An Analysis of the 1995 Esmor Immigration Prison Rebellion and Its Legacy

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Introduction

In 1995, on the eve of the 130th anniversary of Juneteenth, about fifty African refugees detained in the New Jersey Elizabeth County Esmor Detention Center staged a militant prison insurgence to demand freedom and respect for their human rights.[1] Detainees identified objects in their vicinity that would facilitate their escape and ensure protection: ripped metal wall handrails cleared the heavy prison infrastructure intended to confine. Debris and furniture were cleverly shaped into defense barricades. Electronic monitors were destroyed. Security and dorm windows were broken. While some men ran to the roof, others attempted to climb 40-foot high pipes that led to the skylights. Amid the shattered glass, torn tables, and debris, a foot-high seven-letter word stood scrawled onto a guard post in dark paint: FREEDOM.[2]

The Esmor Detention Center was converted from a warehouse to New Jersey's only privatized immigration prison in 1994. It imprisoned about 240 men and sixty women from over forty countries. Most entered the country through New Jersey and New York's airports without government authorization. Shortly after their arrival, migrants were transferred to Esmor to await their deportations or asylum hearings.

Within months of opening, Esmor became notorious for its incompetence, abuse, and neglect. Detained migrants and their family members, local politicians, community organizers, refugee advocates, and attorneys complained about the prison staff's lack of formal training and reported multiple accounts of sexual assault and unjustified physical and psychological abuse.[3] There were documented reports of migrants placed in solitary confinement for breaking harmless

[1] Rutgers University-Newark and American Friends Service Committee's Immigrant Rights Program, "New Jersey: 'Seeking Asylum, Resisting Detention.'"
[2] Perez-Peña, Richard. "Illegal Aliens Overrun a Jail In New Jersey."
[3] Bustamante, Roberto. "Fiscalía De Unión Pedirá El Cierre De Esmor: Cerca De 100 Hispanos Entre Los 300. Prisioneros Del Tenebroso Lugar."

protocols such as running water before 6:00AM. Esmor staff also violated the religious rights of Muslim migrants by prohibiting them from practicing their faith and forcing them to eat food that violated their dietary laws.[4]

Two years after the rebellion, twenty migrants who were formerly detained at the facility came together to file a class action suit against Esmor and selected prison staff. *Jama v. INS* (which later coalesced into *Jama v. Esmor Correctional Services Inc*) was filed on grounds of the physical, psychological, and verbal abuse that migrants experienced at the Esmor immigration prison.[5] The lawsuits produced limited benefits to the plaintiffs involved but succeeded in redefining refugee law in the United States: the class actions opened new judicial avenues for migrants in the United States to protect their religious rights and to hold private corporations accountable for harm done.

The Esmor prison rebellion and *Jama v. Esmor* do not exist in a vacuum. Rather, they challenge discourses on the politics of migration, reflect broader patterns of hegemonic governance and domination in the United States, and enrich our understanding of resistance against the Carceral State and settler coloniality. The United States coexists as a settler colonial society and a neoliberal Carceral State.[6] Since the country was founded and expanded by means of state-sanctioned violence, conquest, and colonization, its imagined national identity has been (and continued to be) racialized.[7] As the nation evolved, racial hierarchies concentrated power and capital in its affluent Anglo Protestant groups. The Carceral State upholds a racialized social order by functioning as a system of social control: through incarceration, it makes invisible those who do not fit the settler colonial identity. Scholarship on Mass Incarceration supports this by

[4] Daniels, “The Ins and Outs of the Jama Case Part I.”
[5] Loboguerrero, Cristina. "Inmigrantes Demandan Al INS y a La Esmor."
[6] Hernández, *City of Inmates*.
[7] Ngai, *Impossible Subject.*

highlighting the disproportionate criminalization of people of color, impoverished communities, and folk with mental, intellectual, and physical disabilities.[8]

Immigration prisons sustain this racialized power hierarchy by incarcerating migrants whom the State deems unfit for its settler colonial project.[9] These institutions police the borderlands by incarcerating and deporting immigrants, most of whom come from the Global South. Immigration prisons hold thousands of refugees and undocumented migrants in civil detention solely because they migrated without government authorization. The Carceral State publicly justifies the incarceration of migrants on grounds of defending national security. However, this discourse perpetuates a hegemonic settler colonial identity and simultaneously produces lucrative profits that reinforce the nation's neoliberal economy.

In addition, New Jersey's Esmor prison challenges the notion that the migration crisis is concentrated at the United States-México border. There is no single locus of transnational foreign movement, but rather multiple hubs. Clandestine and official ports of entry are dispersed all across the country and include air, land, and sea entryways. The broad geographic distribution of immigration prisons in the United States reflects that migration is not a geopolitical situation that solely exists at the Southern Border. On the contrary, migration extends beyond the borderlands and exists in remote pockets across the country.

Drawing from theoretical paradigms on settler coloniality, the neoliberal Carceral State, and critical resistance, this paper provides a historical analysis of the New Jersey Esmor prison rebellion and its aftermath. The critical examination of the eruptive event is wholly informed by Spanish and English-language newspapers, judicial opinions, human rights reports, Immigration and Naturalization Service reports, and memoirs. These primary sources allow one to primarily

[8] Alexander, *The New Jim Crow*.
[9] Macías-Rojas, *From Deportation to Prison.*

examine the insurgence's breaking point and neoliberal context, public perceptions of the riots, and the first-hand testimonials and resistance practices of detained migrants. A brief investigation of *Jama v. INS* and *Jama v. Esmor Correctional Services Inc* also showcase an alternative resistance approach to the rebellion that is dependent on judicial institutions.

The 1995 insurgence, though generally disorganized, was a brief militant act of resistance that challenged the settler colonial nation and the neoliberal Carceral State. During the five-hour long revolt, select detainees catalyzed their collective emotional distress to assert their humanity and demand liberation. Their direct action drew national attention to their pleas; pressured federal and municipal actors to question the privatization of immigration prisons during the early phase of the prison-industrial-complex; and inspired two civil class actions that expanded the legal rights of refugees in the United States. While their militant resistance was brief in duration and triggered some troubling ramifications for the individuals detained in Esmor, it represents a significant event that lies at the intersection of discourses on migration, incarceration, and resistance.

A Historiographical Analysis

A historical analysis of the 1995 Esmor prison insurgence requires a synthesis of historian's scholarship with interdisciplinary academic literature on crimmigration and the present-day Carceral State in the United States. Historians like Kelly Lytle Hernández, Benjamin Gonzalez O'Brien, and Mae Ngai have addressed immigration detention and deportation policy in their scholarly work. Even though their research mainly outlines the early phase of the criminalization of migration, it is worthwhile to examine the groundwork they establish because it is some of the only existing historical research on immigration detention and deportation

policy.[10] Equally important, this historical scholarship accentuates the relationship between conquest, imperialism, migration, and race which is fundamental for understanding the politics that have shaped twentieth-century immigration law. At the same time, recent scholarship in criminology, sociology, and crimmigration have extended the limited available historical discourse on immigration detention and deportation policy into the second half of the twentieth century, contextualizing the functions of the immigration legal system and criminal justice system during the time of the Esmor revolt. Lastly, critical resistance theory offers one additional way to contextualize the use of rebellions as tools of resistance against oppressive hegemonic institutions. Together, these overlapping scholarly literatures can situate the Esmor insurgence into a broader historical context.

Immigration historian Mae Ngai's sociolegal research highlights how undocumented migrants, whom she describes as "impossible subjects," have paradoxically existed in a liminal status of (il)legality. These uncertain states further racialized many Chinese, Mexican, and Filipino migrants and placed them in alignment with the nation's white-imagined identity. Historian Kelly Lytle Hernández connects Ngai's scholarship on immigration enforcement to the Carceral State in *City of Inmates: Conquests, Rebellions, and the Rise of Human Caging in Los Angeles, 1771-1965*. She posits that as an Anglo settler colonial nation, the United States has depended on cheap racialized labor that can be made disposable through deportation and incarceration. Settler societies, according to Hernández, "trend toward excluding racialized workers from full inclusion in the body politics [by] deporting, hiding, or criminalizing them."[11] In other words, once workers no longer provide cheap and disposable labor, the settler society responds by *eliminating* them through various means including revoking their right to be

[10] Gonzalez O'Brien, *Handcuffs and Chain Links.* Hernández, *City of Inmates*. Ngai, *Impossible Subject.*
[11] Hernández, *City of Inmates*. 8.

physically present in the country. The United States' politics of dominance align with Hernandez's definition of a settler society because the country has sought to "disappear" working-class people of color— citizens and non-citizens— through deportation and incarceration when they reject the submissive status projected onto them by the State.[12] In the end, the use of "disappearances" has aimed to establish, defend, and reproduce a settler society.

Hernández also explores nativist immigration laws that emerged in the early 20th century to demonstrate the State's xenophobic obsession with constructing a white Anglo nation absent of foreign *invaders*. Nativism's white supremacist ideology initiated a shift in the adjudication process of immigration law: border crossings went from having no penal repercussions to acts resulting in a dramatic surge in immigration detentions. Hernández draws particular attention to the 1929 passage of the Undesirable Aliens Act, otherwise known as S. 5094, which became the first immigration law to criminalize unauthorized border crossings into the United States. The passage of this act is evidence that the Carceral State began punishing migrants who threatened the nation's imagined Anglo identity through incarceration as early as 1929.

Historian Benjamin Gonzales O'Brien has furthered the historical scholarship on the interwoven relationship between migration, punishment, and race. His work draws specific attention to the normalization of deterrence-through-punishment practices that occurred between the passage of the Undesirable Aliens Act in 1929 and the Immigration Reform and Control Act (IRCA) of 1986. Gonzales O'Brien posits that public perceptions and legislative approaches towards unauthorized migration created a locked feedback loop that treated undocumented immigration as "a crime-control issue, in both rhetoric and legislation."[13] As a result, tough-on-

[12] Ibid., 7.
[13] Gonzalez O'Brien, *Handcuffs and Chain Links.* 2.

crime rhetoric, labor concerns, and racialized attitudes towards migrants consolidated to create punitive immigration law.

Ngai, Hernández, and Gonzales O'Brien lay the groundwork for understanding the role of immigration policy as an instrument of racialized social control. Their scholarship confirms that settler colonialist practices and carceral politics shaped early 20th century immigration law to varying degrees. Indeed, it is important to extract those discourses to understand how they continued to frame the immigration detention and deportation policy that existed at the time of the Esmor prison rebellion. The insurgence erupted in response to the increased criminalization of migrants from the Global South and the increased use of incarceration as a method of deterrence, all of which are factors explored in histories written by Ngai, Hernández, and Gonzales O'Brien.

In order to extend this historical research into the second half of the twentieth century, one must examine the scholarship in non-historical fields to showcase some of the changes and continuities that immigration policy experienced beyond the Civil Rights Era. Some of the most significant sociopolitical phenomena that reshaped post-1960s immigration law were the use of "colorblind" policies in the criminal justice system, the increased power of the Carceral State, and the strong influence of neoliberal ideologies. This section will use Legal, Latin American/Latinx Studies, and crimmigration scholarship related to mass incarceration have demonstrated how the politics of race and neoliberalism yielded an increase in incarcerations, thereby defining the penal immigration policy that Esmor detainees encountered in the 1990s.

Legal scholar Michelle Alexander deconstructed the supposed "colorblind" criminal justice system to highlight how the State uses incarceration and prisons to maintain racialized social control. In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness,*

Alexander challenges the "race-neutral" narrative that characterized the criminal justice system in the post- Civil Rights Era. Alexander establishes that the racially charged rhetoric that defined the War on Drugs' zero-tolerance policy and law enforcement practices significantly harmed communities of color, specifically Black urban communities. Latin American and Latinx Studies scholar Suzanne Oboler has added to Alexander's argument by opening a dialogue on the ways that contemporary immigration policy and criminal justice policy interact. In *Behind Bars: Latino/as and Prison in the United States*, Oboler asserts that immigration enforcement serves a parallel function to criminal law enforcement.[14] Indeed, agencies such as Immigration and Naturalization Service (known today as Immigration and Customs Enforcement) and Customs and Border Patrol are used to police migrants in the United States. Not only can they question immigrants, but these agencies also hold the power to detain and even deport non-citizens.

In addition to highlighting that incarceration is a racialized method of social control, academic studies of mass incarnation have also highlighted the relationships between the neoliberal politics of the post-Civil Rights Movement and the expansion of the Carceral State. Neoliberal societies, according to sociologist Tanya Maria Golash-Boza, depend on the expungement of social welfare and the privatization of public entities. In order to achieve this, every contributing member of the neoliberal economy must be "entrepreneurial and independent."[15] This kind of politics heavily rely on the Carceral State's intervention to make such a social order possible. Incarceration is used to punish and remove individuals who do not participate in the neoliberal society. The State benefits from their incarceration by silencing their dissent and turning them into cautionary examples. Neoliberalism simultaneously incentivizes the Carceral State to privatize prisons in order to profit from the punitive measures it adapts.

[14] Oboler, "'Viviendo En El Olvido': Behind Bars—Latino/as and Prison in the United States," 3.
[15] Golash-Boza, Deported, 203.

Thus, neoliberalism and the Carceral State create a codependent relationship that advances their respective agendas.

Crimmigration scholars like Jennifer M. Chacón, César Cuauhtémoc García Hernández, and Patrisia Macías-Rojas have built on studies of mass incarceration by highlighting that the criminal adjudication of immigration offenses during the second half of the twentieth century is directly linked to the War on Drugs' zero-tolerance policies and punitive racialized neoliberal politics. Their lens of inquiry draws attention to how the politics of the neoliberal Carceral State have increased the convergence of the penal system and immigration legal system.

In *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America* Patrisia Macías-Rojas adapts a "carceral liberalism" theoretical framework to critically examine the nuanced discourse on crime, rights, and migration in the Post-Civil Rights Era.[16] Carceral liberalism, according to Macías-Rojas, is defined as the practice of addressing civil rights issues through a punitive approach that dismisses the systemic roots that make civil rights violations possible in the first place. Macías-Rojas also reaffirms some of Michelle Alexander's argument regarding the "colorblindness" of the criminal justice system. Macías-Rojas draws from political scientist Naomi Murakawa's scholarship to posit that liberal civil rights legislation created a "civil rights carceral state." In other words, civil rights jurisprudence sought to supposedly "protect" civil liberties through a punitive approach that did not address the systemic issues at hand.[17]

[16] Macías-Rojas, *From Deportation to Prison.* 24.
[17] Macías-Rojas, *From Deportation to Prison.* 22. Murakawa claims that Civil Rights Era criminal justice system failed to address its own racial biases and instead sought to punish individual hate crimes. In failing to do so, the justice system failed to address the "root causes of systemic violence" and its "historic and systemic role in racial violence."

Furthermore, crimmigration scholarship has highlighted the punitiveness of the policies that criminalized migrants. Legal scholar Jennifer M. Chacón claims that the isolation, neglect, and lack of access to basic services that incarcerated migrants experience creates a punitive environment that intends to further deter irregular migration. Leading crimmigration scholar César Cuauhtémoc García Hernández adds to Chacón's analysis by claiming that "the use of conviction and confinement on a large-scale replicates and expands social marginalization."[18] His analysis aligns with Michelle Alexander's argument that incarcerated folks are forced into a "stigmatized racial group" that locks them into an "inferior position by law and custom."[19] Incarcerated individuals, citizens and non-citizens, lose fundamental social rights such as the freedom of movement and the ability to engage in their community's social life. Thus, the punitiveness of immigration detentions makes migrants invisible by isolating them from their social networks and criminalizing them upon entry to the country.

Finally, to fully contextualize the significance of the Esmor rebellion, it is necessary to acknowledge existing scholarship that explores prison insurgences as forms of resistance against oppressive systems. Nonetheless, similar to the lack of historical scholarship on post-Civil Rights Movement immigration policy, there is also a lack of overall research on the role of prison rebellions as acts of critical and radical resistance. It can be speculated that the strong stigmatization that incarcerated folks experience restrains academics from considering prison revolts as serious efforts against oppressive hegemonic institutions. Despite this challenge, the scholarship of American Studies scholar Jordan T. Camp and sociologists Jack A. Goldstone and Bert Useem inform how the Esmor rebellion fits into the academic studies on prison insurgences in the post-Civil Rights Movement. Goldstone and Useem describe prison rebellions as

[18] García Hernández, "Immigration Detention as Punishment," 1398.
[19] "Victory in Jama Lawsuit."[19] Alexander, *The New Jim Crow*, 12.

microrevolutions which are defined as small-scale revolutionary acts that function analogously to broader mass-scale revolutions.[20]

Camp contextualizes Goldstone and Useem's analysis within the post-Civil Rights Era. He claims that from 1950 to 1995, there were over 1,300 prison insurgencies in the United States.[21] There was a significant increase from five in 1968 to forty-eight in 1971. These statistics reveal that prison revolts are not rare incidents, but rather prevail in response to the abuse of hegemonic systems. Camp attributes the increase in prison rights between 1968 and 1971 to the destruction caused by social and economic neoliberal structures. He grounds this claim in his case study of the 1971 Attica prison rebellion. The insurgence in upstate New York was a sophisticated attack organized by a multiracial cohort of socially conscientious men who intended to liberate incarcerated folks from the prison's cruel, violent, and traumatizing environment. Camp claims that their political consciousness stemmed from the popular education they received by other men in the prison. Incarcerated men in Attica understood that their prison confinement was a product of the social and economic policies that punished those harmed by structural racism and aggressive deindustrialization. Thus, the Attica Rebellion, just like other prison insurgencies of the time, created microrevolutions that defied hegemonic neoliberal ideologies.

A historical study on the Esmor prison revolt gains a lot from the analyses presented by Goldstone, Useem, and Camp. Their research places the 1995 insurgence in a broader chronicle of grassroots resistance efforts during the second half of the twentieth century. Though prison rebellions were not popular, even during the years that saw an increased number of them, it remains vital to understand that the Esmor revolt surged in a time period that saw an increase in

[20] Goldstone, Jack A., and Bert Useem. "Prison Riots as Microrevolutions." 986.
[21] Ibid., 989.

neoliberal policies, migrant criminalization, and overall incarcerations. Although the individuals involved in the 1995 rebellion might not have consciously considered these factors when planning their direction action, these external pressures consolidated to catalyze the event. The Esmor prison revolt, thus, was not a rare occurrence but rather an event that reiterated the concerns that other incarcerated folks before them had.

The Esmor Prison Rebellion

The 1995 insurgence was not unprecedented. Migrants had a history of engaging in acts of civil disobedience at the Esmor prison to protest their inhumane treatment. Cuban migrants had previously held hunger strikes, though these were completely ignored by prison staff.[22] This sort of response from Esmor employees was common because they lacked the formal training needed to address the abuse. Some even participated in inflicting it. Sudanese refugee Suzanne Kideni, a former Esmor detainee, recalled, "We had no way to make complaints. We had to complain to ourselves."[23] Esmor's refusal to address the abuse that ran rampant within its facility ultimately led to the 1995 outburst of frustration, desperation, and multiethnic solidarity.

The list of grievances in Esmor ran long. Migrants were unjustly detained for months at a time; denied regular attorney visitations; shackled during their attorney visits; manipulated into signing their own deportation orders; forced to stay awake at night by beaming bright lights; barred from getting fresh air or exercise for the entirety of their imprisonment; fed unhealthy and rotten food; and over-surveilled, including in the restrooms and showers.[24] Prison staff also prevented Muslim refugees from practicing their faith. For instance, Esmor employees frequently

[22] Dunn, Ashley. "Harsh Memories of Detention Center."
[23] Immigration and Naturalization Service, Headquarters Detention and Deportation Division, 4.
[24] Bustamante, Roberto. Perez-Peña, Richard.

served Muslim migrants food that violated their dietary laws.[25] In sum, isolation, depravation, confinement, and humiliation dominated the migrant experience in Esmor. Immigration and Naturalization Service eventually decided to conduct an interim assessment amid the wave of complaints. However, the INS's attempt to address the prison's abysmal conditions came too late. Though the INS's investigation of the Esmor prison was initiated two weeks prior to the revolt, it was not ready to be published by June 18, 1995.[26]

The insurgence lasted about five hours. Prison guard responses proved as disorganized and chaotic as their day-to-day facility management. The emergency protocol was not followed. Prison guards hid in ceilings.[27] When five detainees assaulted two prison guards, the guards responded by ordering other guards to vacate the premise.[28] Around 6:00am, local SWAT teams and armed police officers brandishing batons and percussion grenades showed up at the Esmor prison.[29] The police's counterattack was violent. They arrived with the intention to suppress the rebellion with excessive use of force without any concern for the safety of those inside. Police tried to keep everyone inside the facility. They deployed a high-intensity fire hose to spray migrants as they climbed out of the facility. Migrants who scrambled back inside to hide were trapped by police who released tear gas and percussion grenades.[30] Though none of the refugees were armed, they endured excessive police brutality. They were arbitrarily beaten by police who roamed the facility's halls and rooms.

[25] Daniels, "The Ins and Outs of the Jama Case Part I."
[26] Dunn, Ashley.
[27] Perez-Peña, Richard.
[28] Immigration and Naturalization Service, Headquarters Detention and Deportation Division, "Interim Assessment Report on the Elizabeth, New Jersey Contract Detention Facility Operated by ESMOR Inc." 4.
[29] Immigration and Naturalization Service, Headquarters Detention and Deportation Division, 4. Perez-Peña, Richard.
[30] Kassindja, Fauziya. *Do They Hear You When You Cry.* 275.

The police eventually evacuated the prison. They handcuffed everyone inside and forcibly took them to the facility's parking lot. Many were either deported or transferred to other immigration prisons in surrounding states.[31] A handful of women and children ended in Pennsylvania's York County Immigration Detention Center, Berks Family Detention Center, and the Pike Immigration Prison. INS also rescinded Esmor's contract on the grounds of neglect, abuse, and lack of prison staff training. INS admitted its failure to maintain a transparent and dialogical relationship with Esmor. Nonetheless, the Elizabeth detention center reopened eight months later in February of 1996 under the administration of a different private contractor.[32]

There is a significant lack of first-hand accounts from migrants present during the rebellion and from the men directly involved in organizing it. Most of the testimonials available are limited to fragmented quotes retold by newspaper articles. However, Fauziya Kassindja's *Do They Hear You When You Cry* is an anomaly among all the available primary sources. Kassindja is a Togolese refugee woman who was eighteen years old at the time of the insurgence. Her detention at Esmor began in mid-December 1994, shortly after she was detained at the Newark International Airport. She was granted asylum on June 13, 1996 in the landmark decision named Matter of Kasinga. This case expanded refugee rights in the United States by acknowledging that gender-based persecution is an eligible claim to seek asylum in the United States.[33]

Do They Hear You When You Cry is an autobiographical narrative that details Kassindja's refugee experience. Part of the memoir recounts her time at Esmor, including her experience during the revolt. Kasindja's narrative is critical for an analysis of the Esmor rebellion. It confirms the psychological abuse that migrants experienced in the facility and

[31] Perez-Peña, Richard.
[32] Smothers, Ronald. "Asylum-Seekers Are Confined to Dormitories After Protest."
[33] Kassindja, Fauziya. *Do They Hear You When You Cry.* 509.

simultaneously introduces a nuanced gender-based perspective on the insurgence. Kasindja writes of the many nights she was unable to sleep because the "blinding, painful" high-intensity ceiling lights stayed on at night.[34] Anecdotes of freezing cold rooms, lack of fresh air, inedible food, exposed showers, the prison guard's religious intolerance, solitary confinement, and long random middle-of-the-night room searches fill the memoir's pages. In this sense, Kasindja expresses the continuous humiliation, isolation, and neglect that migrants often felt during their time in Esmor.

Nonetheless, Kassindja's account also draws attention to a well-founded gender critique of the rebellion. According to Kassindja, many women were horrified by the insurgence because it was completely unexpected, and its organizers were unknown. Women and men found themselves on different wings of the Esmor facility. The gender-based spatial divisions made it nearly impossible for women and men to communicate. As a result, most women were unaware that some of the men were planning to launch a revolt. Women feared they would experience gender-based assaults or sexual violence at the sight of men charging towards them and destroying items in the vicinity.[35] For many women, fear for their safety was a reasonable response during such a chaotic event. Their gender automatically rendered them more susceptible to violence and danger. They also initially lacked any information on who was organizing the rebellion, so they were rightfully apprehensive about partaking in it or even condoning it. Amid the turmoil, some of the women came to recognize the men held in the other wing of the detention center. Their interactions fostered a degree of clarity and trust. The women

[34] Kassindja, Fauziya. *Do They Hear You When You Cry.* 190.
[35] Ibid., 270.

eventually realized that the men were not there to intentionally harm them, but rather to ensure their safety while other men carried out the insurgence.[36]

Kassindja remains critical of the rebellion throughout her memoir. This response can be attributed to Kassindja's fear of gender-based violence during the revolt and the retraumatizing consequences that she and others had to face following the incident. Though she acknowledges the catalyst for the revolt, Kassindja consistently distances herself from those who participated in it. Kassindja asserts, "We [the women] hadn't busted [the Esmor Detention Center] up. The men had."[37] Her words reflect a degree of disdain for the men's actions. One can speculate that Kassindja critique is grounded in the harm that she and other women experienced after the insurgence. It is possible that many were traumatized after being transferred to other jails without notifying their loved ones or being forcibly separated from the new community they joined during their time in Esmor. Kassindja's account describes her first couple of days following the insurgence as confusing, lonely, and depressing. She was moved to two different prisons within one week: first at the Hudson County Correctional Center in New Jersey for a couple of days and then transferred to the York County Prison in Pennsylvania. Neither her family nor attorney knew where she was for most of that week. They only found out when she phoned her lawyer at York.

Kassindja's experience reflects the immigration system's lack of transparency, its neglectful treatment of migrants in detention, and its incompetence during emergencies. INS cared very little about keeping track of where most refugees went. Very little was done to connect them to their families and legal advisors during this process. This experience could have been retraumatizing because it exacerbated feelings of hopelessness and isolation among

[36] Ibid.
[37] Ibid., 285.

migrants. The collective sense of seclusion was further accentuated by the separations that they experienced in the wake of the rebellion. Kassindja's 514-page autobiography depicts the strong sense of sisterhood and community that the women detained at Esmor were able to build, relationships that were crucial during her time in Esmor. Kassindja's strong friendships made her time in detention more tolerable because her friends were her caretakers, sources of hope, and mentors. However, these relationships were fractured after the revolt when INS dispersed everyone across various prisons in the tristate area. Thus, Kassindja and other migrants formerly detained in Esmor found themselves in prisons far from where they had once been and surrounded by people they did not know. Though Kassindja was eventually reunited with her friends at York, she still experienced traumatizing instances of isolation and separation. These situations are layered on top of the separation that many migrants experienced the moment their left their countries of birth. Thus, there was a double damage associated with the separation they faced after Esmor.

The Esmor revolt stands alone as one of the few, if not only, documented immigration prison insurgencies in the United State. Informed by the theoretical frameworks established by Jordan T. Camp, Jack A. Goldstone, and Bert Useem, this paper proposes an interpretation of the Esmor prison revolt as a microrevolutionary act that briefly disrupted the neoliberal Carceral State and the nation's settler colonial identity. Although there is limited information on the identities and objectives of those involved in the Esmor insurgence, this interpretation is constructed based on speculative inquiries and the few pieces of evidence left behind by those detained during the time of the revolt. I draw attention to the word *FREEDOM* which was boldly scribbled onto one of the guard posts. It was mentioned once in a *New York Times* article but was missing from every other primary source account of the event. The *New York Times* glossed over

it during its enumeration of the prison's property damage in the article "Illegal Aliens Overrun a Jail in New Jersey." Nonetheless, it is important to extract this piece of evidence because it presents a rare explicit articulation of resistance by those involved in the insurgence. The choice to write *FREEDOM* on a guard post wall speaks to a demand for liberation. Guard posts are spaces that legitimize abusive power dynamics between dominant forces (the prison guards) and the subordinate (the detained migrants). Guards hold the power to police every move that migrants make through the television and computer monitors in the guard post. Thus, the act of writing *FREEDOM* directly rejects the hegemonic power dynamics that uphold the cruel treatment of migrants in detention. It is also critical to question the use of the English language to write the word. It yields the question, *who was meant to understand this?* The conscious decision to use the United States' dominant language implies a desire to reach an audience beyond just those incarcerated in Esmor. I speculate that the migrants detained in Esmor wanted prison staff and State authority figures to read their brief remark. They wanted the public to hear their demands. This clue provides evidence of a microrevolution that rejected the Carceral State and the settler colonial nation. Migrants involved in the rebellion rejected the State's punitive carceral decision to confine them on the basis of their immigration status.

In June 1995, the Esmor detention center was the only private immigration prison in New Jersey. This fact showcases a tension between the fragmented dominant discourse that supported the growing neoliberal prison-industrial-complex and the local popular discourse that condemned the privatization of prisons. Before providing an analysis of the INS-Esmor Correctional Services relation, it is important to contextualize the privatization of prisons in the neoliberal society that was unleashed by the War on Drugs.

Ronald Reagan's 1980s neoliberal "reaganomics" plan lies in the background of the Esmor insurgence, and demonstrates the role that the Carceral State holds in upholding this political ideology. Reagan's neoliberal economic plan disinvested from welfare, public education, urban development, and many other programs that intend to care for the wellbeing of the country.[38] Reaganomics redirected that funding towards the defense, domestic enforcement, and prison budget.[39] This federal spending reallocation fueled the War on Drugs which served to enforce Reagan's neoliberal plan. Individuals who deviated from abiding by neoliberal principles were punished through incarceration. This disproportionally affected communities of color, the poor, migrants, and others who were harmed by the era's rapid deindustrialization and drastic social welfare budget cuts. Neoliberal politics harm communities that have been systemically disenfranchised and neglected as a result of colonialism, slavery, and capitalism. It exacerbates structural oppression by further eliminating the services and resources they need. Thus, neoliberalism worked with the Carceral State to advance that State's project of social control.

In addition to incarcerating marginalized groups that disrupt neoliberal politics, Reagan-era neoliberal policies sought to profit from the people it punished. The aggressive push to privatize institutions created morally distorted scenarios that rewarded private entities for partaking in the oppression of vulnerable communities. This sort of dynamic incentivized relationships like that between the INS and Esmor Correctional Services. Esmor profited from holding migrants in detention for long periods of time. It received between $75 and $100 from INS for every migrant that spent the night in the facility. INS and Esmor's relationship is reflective of the prison-industrial-complex which is a product of neoliberal politics. The prison-industrial-complex refers to the public and private sector's overlapping economic interest in

[38] Ibid., 202.
[39] Camp, *Incarcerating the Crisis*, 93.

upholding the neoliberal Carceral State.[40] At the time of the Esmor rebellion, the prison-industrial-complex was a fledgling phenomenon that was rapidly expanding. Private prison contractors provided INS with about 1,100 prison beds to hold migrants.[41] In 1994 alone, private prison contractors had a revenue of about $24 million.[42]

INS found itself scrambling to acquire new bed spaces during the Reagan Era due to prison bed shortages. War-on-Drug crime bills, such as the 1984 Comprehensive Crime Control Act, produced prison overcrowding. All available prison room was filled up by people arrested for federal drug offenses, including possession of marijuana. Immigration reform acts added further stress to the overcrowded prison conditions by incentivizing immigration enforcement to detain more migrants. For instance, INS was instructed to abandon its practice of nondetention and instead was directed to detain all undocumented migrants with the exception of pregnant women and youth.[43] The Criminal Alien Program (CAP) of 1988 also added to the high demand for prison beds. CAP was a liberal carceral initiative that indicated the punitive turn that immigration law took in the era of Mass Incarceration. As a result, migrants with criminal convictions and unauthorized migrants–whom already held a liminal status of illegality– were made even more vulnerable to the possibility of incarceration and deportation. Private contractors served to alleviate overcrowded detention facilities by providing dozens of bed spaces within short notice. INS upheld this view by claiming that private prisons were "an effective means to maximize the resources available to the INS."[44] Private contractors had the ability to open immigration prisons within eighteen to twenty-four months after signing a

[40] Gutierrez, Alberto. "Prison-Industrial Complex."
[41] Immigration and Naturalization Service, Headquarters Detention and Deportation Division. 2.
[42] Perez-Peña, Richard.
[43] Macías-Rojas, *From Deportation to Prison*. 55.
[44] Ibid.

contract with INS.[45] INS was drawn to this expediency, so it continued to invest in privately-run prisons. In sum, incarceration became a focal point of immigration enforcement. It sought to accelerate the detention-to-deportation pipeline and expand the prison-industrial-complex.

Nonetheless, local and national actors expressed skepticism and even condemnation of the prison-industrial-complex following the Esmor insurgence. English language and Spanish-language newspapers questioned the use of private immigration prisons. *El Diario la Prensa*, the oldest Latinx newspaper in the United States, argued that the rebellion should serve as a lesson to hinder plans for further prison privatization. It challenged local government officials to question whether private immigration prisons were moral entities.[46] County officials agreed with the pubic sentiment. Union County prosecutor Andrew K. Ruotolo urged Esmor to permanently close in light of the rebellion.[47]

The community's strong condemnation prompted INS to distance itself from Esmor. INS's reaction is worth studying because it reveals a fragmented relationship between the government and corporations. It showcases that both parties are willing to work together for the sake of amassing lucrative profits but are willing to part ways in the face of strong public condemnation and crisis. In the "Interim Assessment Report on the Elizabeth New Jersey Contract Detention Facility Operated by ESMOR Inc." INS admits that ESMOR "had a serious negative impact upon relations between the INS and general public since, in the public perception, INS is inextricably linked to the operations of the Elizabeth facility."[48] INS's vehement denial of wrongdoing marked an attempt to clear itself of any blame for the June 18th insurgence. This outcome demonstrates that the public's denunciation of private prisons

[45] Ibid.
[46] Bustamante, Roberto.
[47] De la Cruz, Donna. "After Riot, Questions about Privatization."
[48] Immigration and Naturalization Service, Headquarters Detention and Deportation Division. 2.

fragmented INS-Esmor relations, but it did no change the neoliberal State's commitment to invest in privatized prisons. The INS ultimately awarded another private corporation a contract to run the facility in February 1996.

Furthermore, media coverage on the revolt largely perpetuated a liberal carceral discourse that ultimately upheld the Carceral State and the nation's racialized settler colonial identity. Printed publications offered varied descriptions of the detainees involved in the Esmor revolt, but generally upheld crime-control and liberal carceral narratives. Historian Benjamin Gonzales O'Brien's scholarship on immigration identifies the formal strategies that uphold misleading colorblind characterizations of the criminal justice system and rationalize migrant detentions. According to Gonzales O'Brien, the Congress-media-public feedback loop functions as a cyclical dialogical relationship between the State, media outlets, and the general public. He claims that the government's portrayal of immigration as a "crime-control issue […] influences media narratives, which in turn affect public opinion. Public beliefs in immigrant criminality in turn help to reinforce policy making on the issue."[49] This analysis sheds light on the role that the government and media play in the production of public perceptions. The crime-control discourse that the government disseminates through legislative practices frames the media's incriminating attitudes towards undocumented migrants and refugees. The general public absorbs this skewed information and feeds it back to the government through its political demands for tough-on-crime policy.

The Congress-media-public feedback loop also works in conjunction with mythologized notions that maintain the nation's white settler colonial dominance. Latinxs migrants incite images of criminality and national security threats in the public sphere. Historic geopolitical

[49] Gonzalez O'Brien, *Handcuffs and Chain Links.* 3.

relations between the United States and México, legacies of westward imperialism, and Mexico's close proximity to the United States have characterized Latinxs as foreign invaders who threaten the nation's imagined Anglo social fabric. Echoing Historian Kelly Lyttle Hernández's analysis of the nativist characterization of Mexicans as invaders, anthropologist Leo Chavez characterizes this discourse as the "Latino Threat Narrative." His book, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation,* claims that the Latinx Threat discourse falsely asserts that Latinx migrants will never successfully assimilate into the United States because they lack the ability and willingness to do so. As a result, they threaten to disrupt the country's racialized imagined identity. The illusion of the "Latinx Threat" is recycled throughout the course of the Congress-media-public feedback loop. The racialized portrayals ultimately frame Latinx migrants as criminal invaders who threaten the wellbeing of the general public.

The impact of the Latinx Threat narrative and Congress-media-feedback loop were evident in the newspaper accounts of the Esmor prison rebellion. English-language newspapers such as the *New York Times* often used a racialized rhetoric that stigmatized migrants as violent deviant individuals. Journalist Richard Perez-Peña wrote "Illegal Aliens Overrun a Jail in New Jersey" which debuted in the June 19, 1995 *New York Times* Monday late edition print. Perez-Peña's use of the phrase "illegal aliens" depicts undocumented migrants and refugees as criminal *others.* The reader is prompted to deny their humanity and therefore not feel empathy for them. Throughout the article, Perez-Peña uses racially coded language to further incriminate the migrant men who partook in the insurgence. Phrases like "a ragtag band of detainees" and words like "ringleaders" evoke images of street gang activity and deviant behavior.[50] Perez-Peña's article models the ways in which the media confirms criminalized narratives of migrants in the

[50] Perez-Peña, Richard. 1 and 2.

media. National newspapers such as *The New York Times* have a powerful influence on public perceptions, so this article's attitude towards migration had a strong impact on the English-speaking readers it reached.

Other media outlets such as Spanish-language newspapers featured testimonials that distinguished between migrants and incarcerated citizens with criminal charges. *Diario La Prensa* writer Roberto Bustamente published "Union's District Attorney Will Ask for Closure of Esmor: Close to 1000 Hispanics Amid the 300 prisoners of the Sinister Place" on June 22, 1995. The article featured a testimonial from New Jersey congressional representative Robert Menendez, a well-known advocate for Latinx and immigrant communities. Menendez claimed he had seen "hardened criminals treated better than the immigrant awaiting deportation or asylum hearings at ESMOR."[51] In this testimonial, Mendez spoke out against the unfair incarceration of migrants by claiming that detained migrants deserve better treatment than those with criminal records. His statement drew a binary between those deserving and undeserving of punishment. By evoking compassion for detained migrants at the expense of people convicted of criminal offenses, Mendez framed carceral punishment as a moral issue: migrants and refugees should not be incarcerated because they have no criminal record and are seeking to improve their lives despite the adversity they faced in their birth countries. On the other hand, folks with criminal records did deserve punishment because they committed an immoral crime.

This argumentation was widely shared by politicians, migrant organizations, and other allies of detained migrants. Nonetheless, it wrongly assumes that carceral punishment is a fair assessment of justice and that migrant detentions constitute an anomaly in the country's long-standing methods of governance. Incarceration is not founded on principles of ethics and morals.

[51] Bustamante, Roberto.

Previous scholarship on the Carceral State, mass incarceration, and the settler colonial state confirm this by deconstructing the racialized politics of punishment. The Civil Rights carceral state and the War on Drugs' discourse have created a criminal justice system that has worked to criminalize communities and actions that disrupt the nation's settler colonial dominance. Under this context, perpetuating discourses that portray incarceration as a just practice for accountability upholds false "race-neutral" characterizations of the criminal justice system. It also dismisses the opportunity to address systemic oppression.

Jama v. United States Immigration and Naturalization Service and *Jama v. Esmor Correctional Services Inc.*

The class actions that were filed by migrants formerly detained in Esmor differ from the 1995 prison insurgence which took a form of direct militant resistance. These lawsuits used the instruments of the legal system to demand justice for the abuse migrants faced while detained in Esmor. On June 16, 1997, twenty migrants who were formerly detained at Esmor came together to file *Jama v. United States Immigration and Naturalization Service (INS).* This civil action sought to sue INS, INS officials, Esmor Correctional Services, Esmor officers, Esmor facility administrators, and Esmor prison guards for the prison's abysmal conditions. Hawa Abdi Jama, a Muslim Somalian refugee, was the lead plaintiff.[52] *Brown v. Esmor Correctional Services* was filed a year prior to *Jama v. INS* by other refugees but solely targeted Esmor Correction services. While this was an important precursor to *Jama v. INS*, the following analysis will only focus on the significance of *Jama v. INS* and its succeeding class action known as *Jama v. Esmor Correctional Services.*[53]

[52] Daniels, "The Ins and Outs of the Jama Case Part I."
[53] Prison Legal News, "Aliens May Sue Private Detention Companies Under ATCA," May 15, 2007.

Jama v. INS and *Jama v. Esmor Correctional Services* represent migrant-led class actions that successfully expanded the rights of refugees in the United States. Plaintiffs from both lawsuits implored the United States court system to hold the federal government and Esmor accountable for the harm they had caused. Most of the migrants filed the lawsuits while incarcerated. About half of them were detained at the York County Prison and the rest were scattered across various immigration prisons in the surrounding states.[54] Plaintiffs accused Esmor and INS of violating a series of laws, including (but not limited to) the United States' First, Firth, and Thirteenth constitutional amendments; the International Covenant on Civil and Political Rights (ICCPR); the Alien Tort Claims Act (ATCA); and the Religious Freedom Restoration Act (RFRA).[55] These violations were grounded in the physical, psychological and sexual abuse that migrants experienced while detained in Esmor.

The fight for justice entailed a twelve-year long court battle litigated by a committed group of legal advocates from the Rutgers University School of Law's Constitutional Litigation Clinic and private attorneys from New York City. Their legal work and the plaintiff's active participation in the case redefined contemporary refugee law in the United States. Under the Alien Tort Claim Act of 1789, *Jama v. INS* established that political asylum seekers are protected by international law and can therefore sue United States-based corporations, including their employees and agencies, for human rights violations.[56] ATCA was enacted in 1789 but remained rather dormant for much of its time. The ATCA allows federal courts in the United States to hear civil lawsuits presented by foreign nationals that violate international or United States law. The United States District Court of New Jersey extended the implication of the

[54] Loboguerrero, Cristina. "Inmigrantes Demandan Al INS y a La Esmor."
[55] *Hawa Abdi Jama v. United States Immigration and Naturalization Service v. Esmor Correctional Services*
[56] "Victory in Jama Lawsuit."

ATCA in its 2004 opinion. The court asserted that the ATCA grants the judicial system the proper federal jurisdiction to hear cases brought forward by immigrants and decide whether those cases present violations of international law. Its 2004 opinion stated,

> "The mental and physical abuses which are alleged to have been inflicted upon plaintiffs violate the international human rights norm of the right to be free from cruel, unhuman and degrading treatment. The ATCA confers federal subject matter jurisdiction when an alien sues for a tort committed in violation of the law of nations."[57]

The court's opinion rendered justice to the extent that it acknowledged the harm that Esmor's abuse had caused. Additionally, it set precedent for migrants to sue powerful corporations protected by dominant neoliberal ideologies. This migrant-led legal victory disrupted the neoliberal Carceral State by defending the right of migrants to sue private prisons. The jury's 2007 verdict also established that the Religious Freedom and Restoration Act of 1993 protects the religious rights of migrants even while in detention. It was the first time that the RFRA was used to uphold migrants' freedom of religion. By 2007, plaintiff Jama was the only one who had not settled. The jury's verdict on her RFRA claim and other claims regarding Esmor's abuse awarded her $100,001 in damages. The case's outcome opened the doors for other migrants to use RFRA to defend their religious rights. Overall, the ATCA and RFRA settlements reflect a judicial victory—informed by the lived experiences of migrants—against private prisons and the encroachment on the rights of refugees.

Despite the *Jama* lawsuit's success in expanding the judicial protection of refugee rights, it produced limited favorable outcomes for the plaintiffs involved. For starters, not all of the twenty migrants were present for the entire arch of the case so many were unable to receive the justice they deserved. Many were deported, voluntarily withdrew, or reached early settlements. By 2004, only nine of the original twenty plaintiffs remained when the case was presented in

[57] *Hawa Abdi Jama v. United States Immigration and Naturalization Service v. Esmor Correctional Services*

front of a jury.[58] Time is a defining factor in immigration removal proceeding cases. Immigration law seeks to expediate deportations, so migrants often have no control over determining the amount of time they have left in the country. Thus, it is not surprising that many of the original plaintiffs were unable to be present for the final 2008 decision. Given that the length of their presence in the country was uncertain and often very limited, one can speculate that a handful of plaintiffs settled early to ensure they received a benefit as opposed to none at all in case they were abruptly forced to leave the country. It is also reasonable that some of the plaintiffs retracted from the case, fearing that their involvement could have been weaponized against their asylum case. Fear of retaliation, whether well-founded or not, could have pushed many to step down from the case. Lastly, it is important to consider that lawsuits require a significant amount of time and energy which is often difficult to sustain throughout twelve years. Thus, from the very beginning, the potential benefits of the case were likely to have a limited effect on the plaintiffs involved. Their uncertain immigration legal predicaments, the extensive work that the lawsuit required, and the court's sluggish bureaucratic pace put them at a disadvantage from the case's inception.

It is equally important to recognize that *Jama v. Esmor Corp's* final 2008 verdict fell short of holding Esmor judicially accountable for its harm. Though plaintiff Jama was awarded $100,001 for damages, this represents a small compensation for the overall psychological and physical abuse she experienced. Only $1.00 of the total compensation was for the RFRA claim. The rest was compensation for Jama's negligence claims regarding Esmor and Esmor staff's abuse. This outcome demonstrates that though migrants' religious rights are protected under RFRA, they are not guaranteed rightful justice if they're violated. Additionally, while the court

[58] Ibid.

established that migrants could sue corporations under ATCA, the jury decided that the plaintiffs in *Jama* held insufficient evidence and thus failed to grant their ATCA claim. The jury's decision once again demonstrates that having the legal instruments to protect migrant rights does not necessarily secure just accountability when those rights are violated. Overall, *Jama v. Esmor Corp* succeeded in refining the adjudication of refugee law in a way that upholds the rights of migrants. In practice, however, it granted plaintiffs limited short-term benefits.

Conclusion

The Esmor prison rebellion and its aftermath must be sedimented into the country's collective understanding of resistance. The recollection of the Esmor prison revolt must be rescued from getting lost across scattered newspaper articles. Instead, the dispersed evidence should be woven together to reconstruct a fuller narrative of the multiethnic migrant solidarity that disrupted mid-1990s neoliberal hegemonic structures. While the militant act succeeded in bringing attention to the inhumane conditions of the Esmor immigration prison, its impact went beyond that: it spurred local policymakers and community leaders into action and expanded the legal protections of refugees. This history becomes clear when multilingual newspaper articles and court documents from the time are pieced together. These demonstrate that community stakeholders openly condemned the use of private immigrations prisons such as Esmor Correctional Services Inc in their state and pressured the Immigration and Naturalization Service to close the private detention facility. Additionally, they make visible the necessary role of the Esmor prison rebellion in catalyzing two civil class actions that ultimately expanded refugee rights in the United States on grounds of the Alien Tort Claims Act and the Religious Freedom Restoration Act.

Still, many questions about the 1995 rebellion remain unanswered. Further research should be conducted to investigate and document first-hand accounts of those who were present during the prison revolt. These testimonials can create a more robust understanding of the preparation that went into carrying out the insurgence and its goals. More importantly, it would shed light on the multiethnic organizing that occurred during that night. I am particularly interested in this piece because this event can serve as exemplary evidence of contemporary multiethnic solidarity and resistance against the neoliberal Carceral State. The use of immigration prisons is a relatively new practice, as crimmigration scholars point out, and thus there is little scholarship on multiethnic migrant-led resistance within this spatial context.

Nonetheless, there are limits to this research. There is little information on what happened to many migrants after they were transferred from Esmor. There is a strong probability that a significant number was deported which leaves them largely untraceable. On the other, there may also be a strong desire among migrants still residing in the United States who experienced the rebellion to remain anonymous for fear of losing their immigration status or bringing visibility to their undocumented status. Therefore, the legal advocates involved in *Jama v. Immigration Naturalization Service* and J*ama v. Esmor Correctional Services* can constitute as another source of evidence. Plaintiff attorneys developed close relationships with many of the migrants formerly detained in Esmor throughout the twelve-year legal battle. Though attorney-client privilege must be carefully navigated, the second-hand testimonials of legal advocates can provide clues to build a more comprehensive picture of the rebellion.

Furthermore, it is important to note that the impact of the Esmor prison insurgence was *not* limited because of the strategies taken by those involved in organizing it. Rather, it was curtailed as a result of the dominant discourses relating to neoliberal politics, the War on Drugs,

and nativist immigration policy. This paper interprets this counterattack to the rebellion as evidence of the dramatic power imbalance that exists between the settler colonial neoliberal Carceral State and those whom defy it. It is imperative to hold on to examples of popular resistance such as that of the Esmor prison revolt to extract models of disruption and visions of freedom. The "FREEDOM" that was boldly scrawled by migrants across the Esmor guard post must be memorialized as a testament to that power.

Going forward, the Esmor prison rebellion should encourage activists, legal and policy advocates, and Human Rights organizations to partake in a conscientious struggle that understands incarceration and immigration policy as State mechanisms of social control. In order to properly understand the impact of contemporary immigration detentions, individuals must develop a critical historical analysis of the politics of race, colonization, and power. Existing discourses on prison abolition are already addressing this and therefore serve as an important reference point going forward. It is crucial for individuals to reject carceral discourses when fighting for the liberation of incarcerated citizens and non-citizens. Carceral rhetoric creates a false and distracting dichotomy that frames migrant detentions as a moral issue and thus prevents individuals from perceiving migrant incarcerations as a form of racialized social control.

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Educated to Death? Women's Higher Education, Reproductive Health, and the Scientific Method in the United States, 1870-1900.

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In 1886, Louisa May Alcott published *Jo's Boys* to critical and public acclaim. The final novel in Alcott's bestselling *Little Women* series*, Jo's Boys* recounts the adventures of Jo March and her pupils at a co-educational boarding school in rural New England. In one scene towards the end of the novel, one of Jo's pupils, a "stately girl" named Miss Winthrop, asks her teacher about particularly worrisome rumors regarding the effects of higher education. "The minute we begin to study, people tell us we can't bear it," Miss Winthrop complained. "I've tried the other things, and got so tired I came to college; though my people predict nervous exhaustion and an early death. Do you think there is any danger?"[1] Miss Winthrop's anxiety about the reported health risks incurred by women at school alluded to a heated debate taking place in the pages of medical journals and daily papers in the late nineteenth century.

From 1870-1890, American doctors within the emerging specialization of gynecology positioned themselves at the center of cultural debates about women's education. Gynecologists manipulated social anxiety about shifting demographics and falling birthrates among white middle class Anglo-Saxon Protestant women in order to legitimate their emerging discipline. In doing so, they couched American understandings of infertility in a politics of blame and demonized women for their biological inability to reproduce. Although doctors' conversations about "sterility" primarily took place within the pages of journals published by all-male medical associations, many women engaged in this debate and challenged medical authority in the pages of popular magazines and newspapers. Female doctors, teachers, scholars, women's college administrators, and their male allies employed a wide range of rhetorical and argumentative strategies in their responses to male doctors' unsubstantiated theories. Within the pages of medical journals, public newspapers, and books of their own, women writers provided both

[1] Louisa May Alcott, *Jo's Boys: A Sequel to "Little Men,"* 1949 edition. New York: Grosset & Dunlap, Inc., 1886. 266.

passionate and evidence-based analyses of why girls' education contributed to health and wellbeing rather than detracted from it. In doing so, these women reframed the debate over higher education and sterility into a broader discussion of the failings of patriarchal gender norms and the importance of objective and evidentiary scientific inquiry.

After the Civil War, birth rates dropped among white Protestant families as women gradually stretched the parameters of their role in and outside of the home. The small but growing number of women who sought fulfillment beyond the domestic sphere rejected the idea that female success hinged on the number of children a woman produced. The birth rate among white Protestant middle class families fell considerably as women pursued careers and newly available educational opportunities.[2] In her introduction to a report issued by the Association of Collegiate Alumnae in 1885, Annie G. Howes, chairman of the association's committee on health statistics, addressed the declining rate of births and marriages among middle class women. A woman with the "the definite conviction that her life may be passed usefully and happily without a husband," wrote Howes, will "naturally hesitate to alter her independent state unless she […] believes she can best attain the purpose of her being by assuming family cares."[3] Howes attested to American women's reimagining of female purpose and their growing assumption that marriage and childbirth should constitute a choice rather than a grudgingly accepted destiny. The vast majority of educational and career opportunities remained reserved for only the most privileged American women. The birth rate among immigrant and African American families became the highest in

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[2] Margaret Marsh and Wanda Ronner. *The Empty Cradle: Infertility in America from Colonial Times to the Present*. Baltimore: The Johns Hopkins University Press, 1996. 75.

[3] Annie G. Howes. "Health Statistics of Women College Graduates." Report of a Special Committee of the Association of Collegiate Alumnae, Annie G. Howes, Chairman, Together with Statistical Tables Collated by the Massachusetts Bureau of Statistics of Labor. Boston: Wright & Potter Printing Co., State Printers, 1885.

the country, prompting white male anxiety about the demographic future of their race well before the height of the eugenics movement of the twentieth century.[4]

Although only a small minority of American women pursued higher education in the late nineteenth century, those who did faced reproach from doctors who threateningly portrayed illness and infirmity as the outcomes of women's education. In 1890, approximately two percent of women in the United States went to college.[5] Even so, amid shifting national demographics and evolving gender roles, women's education received a disproportionate amount of attention in both public and professional spheres. Medical professionals in particular fixated on the controversy surrounding the education of women and girls. In articles in medical journals and magazines and in entire books on the topic, male doctors blamed strenuous academics for an exhaustive array of female health problems. In an 1889 article in the journal *Medical News,* William Goodell, "clinical professor of the diseases of women and children" at the University of Pennsylvania,[6] warned, "public schools and female colleges are liable to become the hotbeds of forced and sickly girls." By "breaking down the nervous system" of their female students, boarding and public schools, Goodell argued, "breed a host of sickly girls, who swarm in every class of society."[7] In an entire book devoted to the relationship between education and the "diseases of women," Alexander J.C. Skene, a gynecologist who practiced at the Long Island College Hospital in Brooklyn from 1863 to 1900,[8] articulated similar concern for the female

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[4] Margaret Marsh and Wanda Ronner.*The Empty Cradle: Infertility in America from Colonial Times to the Present*. Baltimore: The Johns Hopkins University Press, 1996. 77

[5] Margaret Marsh and Wanda Ronner.*The Empty Cradle: Infertility in America from Colonial Times to the Present*. Baltimore: The Johns Hopkins University Press, 1996. 97.

[6] "Dr. William Goodell." *British Medical Journal* 2.1768 (1894): 1149.

[7] William Goodell, et al. "SPECIAL ARTICLE." *Medical News (1882-1905)*, vol. 55, no. 24, 1889, pp. 667. *ProQuest*,

[8] Kathleen E. Powderly. "Patient Consent and Negotiation in the Brooklyn Gynecological Practice of Alexander J.C. Skene: 1863–1900," *The Journal of Medicine and Philosophy: A Forum for Bioethics and Philosophy of Medicine, Volume 25, Issue 1, 1 January 2000, pp. 13-14.*

nervous system. Schools for girls and women, Skene argued, "over stimulate the brain and nervous system, and, by creating mere excitability without power, arrest development and lay the foundation for ill-health and failure in after life."[9] Skene questioned the purpose of an educational system that left its female graduates with poor health and useless facts: "a knowledge of mathematics and astronomy are of little value or comfort to a pale, bloodless girl, who suffers from indigestion and backache."[10] In statements such as this one, Skene's concern for college women's health seems but a thinly veiled critique of the decision to teach girls subjects beyond sewing and cooking. Although Skene, Goodell, and their peers often discussed the symptoms of women's education in vague terms, referencing general ill health rather than any specific disease as the result of intense academic work, they were particularly interested in the impact of education on female reproductive health.

In both public and professional forums, male doctors adamantly argued that collegiate women's mental exertion deformed their reproductive organs to such an extent as to render them "sterile." Public attention directed towards women's education and the "declining birth rate among what many viewed as the most desirable segments of the population" increased doctors' willingness to lay exclusive blame for a couple's childlessness on the wife and encouraged them to imagine connections between what they considered distasteful female behavior and biological infertility.[11] In *A popular treatise on the functions and diseases of woman*, Lucien Calvin Warner argued, "sterility is not a natural condition peculiar to certain women, but the result of a

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9 Alexander J.C. Skene. *Education and Culture as related to the Health and Diseases of Women.* Detroit, Michigan: George S. Davis, 1889, 55.

10 Alexander J.C. Skene. *Education and Culture as related to the Health and Diseases of Women.* Detroit, Michigan: George S. Davis, 1889, 56.

11 Margarete J. Sandelowski. "Failures of Volition: Female Agency and Infertility in Historical Perspective." Signs, vol. 15, no. 3, 1990, pp. 475–499. JSTOR.

derangement of some of the uterine organs, brought on perhaps by some impropriety of dress, imprudence during menstruation, or other artificial or injurious habits."[12] Warner thus blamed infertile women for their inability to bear children while simultaneously policing women's behavior and dress. The pursuit of higher education became one of the many "artificial or injurious habits" doctors linked to infertility. In an article called "Sterility in the Female and its Curability" published in *Medical News* in 1902, Dr. S.L. Kistler enumerated eighteen causes of sterility, including "inactive ovaries" and "arrested development of ovaries and tubes," of which the last cause listed was "higher education." Although Kistler expanded on and explained almost every other cause in his list, he made no attempt to justify this last assertion.[13] In *Medical News* in 1889, William Goodell warned that the educated and "cultured girl of to-day becomes the invalid mother or the barren wife of to-morrow."[14] Although Goodell, Skene, and Warner concurred in their condemnation of higher education for women, they diverged in their assessment of how exactly college influenced reproductive health. Goodell and Warner believed that education delayed puberty and hindered the development of reproductive organs: Goodell wrote that education of young women impeded "physical and sexual development,"[15] and Skene argued it led to "imperfectly developed" "sexual organs" and "menstrual derangements."[16] Warner, on the other hand, linked education to premature menstruation: "if the nourishment and development of the physical system is sacrificed to the premature development of the mind," he

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12 Lucien Calvin Warner. *A Popular Treatise on the Functions and Diseases of Woman*. Syracuse, NY: Truair, Smith & Co., Printers, Stereotypes and Bookbinders, 1873, 264.

13 S. L. Kistler. "STERILITY IN THE FEMALE AND ITS CURABILITY." *Medical News (1882-1905)*, vol. 81, no. 14, 1902, pp. 643. *ProQuest*,

14 William Goodell, et al. "SPECIAL ARTICLE." *Medical News (1882-1905)*, vol. 55, no. 24, 1889, pp. 667. *ProQuest*,

15 William Goodell, et al. "SPECIAL ARTICLE." *Medical News (1882-1905)*, vol. 55, no. 24, 1889, pp. 667. *ProQuest*,

16 Alexander J.C. Skene. *Education and Culture as related to the Health and Diseases of Women.* Detroit, Michigan: George S. Davis, 1889, 56.

wrote, "then the body is brought to maturity before its time, and menstruation appears at an age when the system is wholly unfit to sustain so important a function."[17] This lack of consensus regarding how exactly college caused sterility reveals that, for doctors, condemning women's education proved more important than arriving at evidence-based and science-supported conclusions.

Perhaps the most infamous of the doctors who critiqued women's education for its supposed health risks, Dr. Edward H. Clarke published a widely-read manifesto called *Sex in Education; or, a Fair Chance for Girls* in 1873. In his book, Clarke provided anecdotal evidence of women who "graduated from school or college excellent scholars, but with undeveloped ovaries" and who, upon getting married, realized they were "sterile."[18] Clarke attributed the sterility of college alumnae to the specific timeframe of higher education and its correlation to the natural period of a woman's sexual development. "The growth of [the uterus and ovaries] occurs during the first few years of a girl's educational life," Clarke wrote, and "no such extraordinary task […] is imposed upon the male physique at the same epoch."[19] Clarke could not imagine that a woman could both develop reproductive organs and study math or literature at the same time. He did not question a girl's ability to learn, but rather her ability to do so "and retain uninjured health and a future secure from neuralgia, uterine disease, hysteria and other derangements of the nervous system, if she follows the same method that boys are trained in."[20] In *The Building of a Brain,* published the following year, Clarke included a letter he had received from a mother whose

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17 Lucien Calvin Warner. *A Popular Treatise on the Functions and Diseases of Woman*. Syracuse, NY: Truair, Smith & Co., Printers, Stereotypes and Bookbinders, 1873, 48.

18 Edward H. Clarke, *Sex in Education; or, a Fair Chance for Girls.* Boston: James R. Osgood and Company, 1873, 39.

19 Ibid., 37-38.

20 Ibid.,17-18.

daughter had died in the hope of illustrating "the evil results of inappropriate methods of female education." The unnamed mother wrote that her daughter Mary, a "remarkably fine and healthy girl" and "the pride of her teachers and joy of her parents," had "entered an institute for young ladies" and subsequently developed a "remarkable flow whenever she was unwell [menstruating]." As doctors failed to arrive at a diagnosis, Mary became increasingly ill and ultimately died. Her mother, convinced that her daughter's "disease" had been "brought on by incessant study," attributed the death to "the system that requires so many hours of study, no matter what the condition of the pupil may be."[21] Clarke titled the letter "Educated to Death: A Mother's Story." Mary's story provided Clarke a sensational substantiation of his claim that sending girls to school as they navigated puberty could prove not only detrimental to motherhood but also fatally dangerous.

Doctors' claims of a direct and causal relationship between college education and female sterility did not go uncontested. Although doctors debated women's education primarily within exclusively male forums, such as within the pages of medical journals or at conferences put on by all-male medical associations, women of a wide range of professional backgrounds managed to publically and adamantly refute what they deemed unscientific and unsubstantiated claims. The small but growing number of female doctors countered their male peers' claims with scientific and anecdotal evidence of their own. Mary Dixon-Jones, an innovative and internationally renowned gynecological surgeon when gynecology was still an emerging specialization, published over fifty articles in medical journals over the course of her career.[22] In an article published in the medical journal *Times and Register* in 1892, Dixon-Jones wrote, "in

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21 Clarke, Edward H. *The Building of a Brain.* (Boston: Houghton, Mifflin and Company, 1874). 88-98.
22 Regina Morantz-Sanchez. "Mary Amanda Dixon Jones: Woman Surgeon in a Man's World." *The Lancet*, vol. 382, no. 9898, 2013, pp. 1088-9. *ProQuest*.

the twenty-five years I have practiced medicine, I have not seen a case of undeveloped or infantile uterus in a woman with college training […] except in one instance, and this young woman had, before she commenced her college course, an anteflexed, undeveloped uterus" that was "by no means […] the result of intellectual labor."[23] Likewise, Sarah Hackett Stevenson, a professor of physiology in the Woman's Medical College of Chicago and the first woman admitted into the American Medical Association, relied on her experience as a well-respected doctor in her many papers and writings on the subject of women's health.[24] Relying on "a thorough scientific analysis of cases," Stevenson determined that extensive "mental education" contributed to rather than precluded women's reproductive health and "freedom from menstrual suffering."[25] Mary Dixon-Jones and Sarah Hackett Stevenson's experience with patients of their own provided the expertise with which to counter the baseless claims of doctors such as Goodell, Warner, and Clarke.

Administrators and faculty at women's and co-educational institutions shared experience of a different sort in their rebuttals of male doctors' claims that higher education harmed female reproductive health. Laurenus Clark Seelye, the first (male) president of Smith College, wrote extensively on the benefits on women's colleges and higher education more generally. In an article published in 1906, Seelye urged his readers to heed the "abundant testimony that the

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23 Mary Dixon-Jones. "Special Article: Why Women do not Become Mothers, or Causes of Sterility in Woman" *Times and Register (1889-1895)*, vol. 25, no. 6, Aug 06, 1892, pp. 170. *ProQuest*,

24 "SARAH HACKETT STEVENSON." *Magazine of Western History (1884-1891),* vol. 13, no. 1, 11, 1890, pp. 112. *ProQuest*.

25 Sarah Hackett Stevenson. *The Physiology of Woman, Embracing Girlhood, Maternity and Mature Age.* Chicago: Fairbanks, Palmer & CO., 1883, 43.

majority of women improve physically as well as mentally during their college course."[26] Mary Dixon-Jones, who taught at Wesleyan Female College and Baltimore Female College before beginning her career as a gynecological surgeon, grounded her conclusions in expertise earned in both the operating room and the classroom.[27] Over the course of her "thirteen or fourteen" year tenure as a teacher, Dixon-Jones met "over three thousand young ladies […] who during the period allotted to sexual development were subjected to continuous 'severe and laborious intellectual labor;'" and yet of whom not a "single one" gave "any indication that 'the reproductive organs were not naturally and promptly developed,' and that 'their functions were not normally performed.'"'[28] Successful career women such as Mary Dixon-Jones and Sarah Hackett Stevenson, skilled doctors who ably countered their male colleagues' biased and pseudoscientific theories, epitomized the empowered female professional white men anxious about evolving gender roles feared so intensely.

Women refuted male doctors' claims through a wide range of rhetorical strategies; perhaps the most obvious of these arguments constituted the claim that higher education promoted, rather than impeded, a young woman's health and well-being. Mary Dixon-Jones argued, "mental culture and scholastic training […] tend to make grander women, mentally and physically,

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26 L. Clark Seelye. "The Influence of Education on Marriage and Maternity." *The Independent ...Devoted to the Consideration of Politics, Social and Economic Tendencies, History, Literature, and the Arts (1848-1921)*, vol. 60, no. 2989, Mar 15, 1906, pp. 624. *ProQuest*,

27 "Mary Amanda Dixon Jones." *Changing the Face of Medicine*. U.S. National Library of Medicine, National Institutes of Health, usa.gov. 3 June 2015, cfmedicine.nlm.nih.gov/physicians/biography_176.html.

28 Mary Dixon-Jones. "Special Article: Why Women do not Become Mothers, or Causes of Sterility in Woman" *Times and Register (1889-1895)*, vol. 25, no. 6, Aug 06, 1892, pp. 170. *ProQuest*.

women who are more capable of bearing healthy, vigorous children."[29] Likewise, Grace A. Preston, a member of the Massachusetts Medical Society and the resident physician at Smith College from 1882 to 1893,[30] wrote in the society's communications journal, "the woman's college is already becoming a power for the increase of health and happiness."[31] Sarah Hackett Stevenson flipped male doctors' arguments on their heads by linking female reproductive health to the study of traditionally male-dominated academic fields. "Menstrual health is good in proportion to the thoroughness and extent of mental education," she wrote. While the study of "music and modern languages corresponds with a less degree of health," women who "have taken the higher studies which include mathematics and Latin, are among the healthiest class."[32] Annie G. Howes, chairman of the Association of Collegiate Alumnae's Committee on Health Statistics, extended this line of argumentation beyond the realm of reproductive health by advocating for "the healthy mental stimulus of a college training" as the "best" cure for "those nervous diseases to which American women are specially prone."[33] By directly contradicting their male colleagues, female doctors and researchers demonstrated confidence in their own medical and scholarly expertise, defiance of traditional gender roles, and willingness to confront

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29 Mary Dixon-Jones. "Special Article: Why Women do not Become Mothers, or Causes of Sterility in Woman" *Times and Register (1889-1895)*, vol. 25, no. 6, Aug 06, 1892, pp. 170. *ProQuest*,

30 *The Woman's Medical Journal.* Medical Women's National Association (U.S.), Recorder Publishing Company, vol.5, 1896, pp. 159.

31 Grace A. Preston et al. "The Influence of College Life on the Health of Women" in *The Influence Of College Life On Health. Massachusetts Medical Society. Medical Communications (1790-1813)* Boston, Jan. 1, 1893; 16. *ProQuest*,

32 Sarah Hackett Stevenson. *The Physiology of Woman, Embracing Girlhood, Maternity and Mature Age.* Chicago: Fairbanks, Palmer & CO., 1883, 59.

33 Annie G.. "Health Statistics of Women College Graduates." Report of a Special Committee of the Association of Collegiate Alumnae, Annie G. Howes, Chairman, Together with Statistical Tables Collated by the Massachusetts Bureau of Statistics of Labor. Boston: Wright & Potter Printing Co., State Printers, 1885, 7.

the men who, in advocating against women's education, sought to make careers such as their own impossible for future generations of bright young women.

Female writers shifted the debate over education and reproductive health in their favor by using it as an opportunity to criticize the social pressures and expectations placed on women at the end of the nineteenth century. In a volume written in response to Clarke's *Sex in Education* called *No Sex In Education*; *or, an Equal Chance for Both Boys and Girls*, women's rights advocate and writer Eliza Bisbee Duffey pointed out that women's ill health far predated women's pursuit of higher education. With her characteristically dry humor, Duffey wrote, "in those good old days of our grandmothers and great-grandmothers there were a great many more second, third and fourth wives than there are to-day —that is to say, more women broke down and died from hard physical labor and over-bearing of children and lack of intellectual development than in this age of machinery and female colleges."[34] With this statement, Duffey reminded her readers that expanded educational opportunities for female students should be thought of as a sign of modernity and social progress rather than as a sort of public health hazard. Doctor Sarah Hackett Stevenson blamed "insufficient exercise" resulting from rigid gender roles, rather than academic rigor, for young women's poor health. Girls, she wrote, "are taught it is unladylike to romp" and are "prejudiced against exercise all too soon;" the effect of this social prohibition on girls' participation in sports during "formative years" weakened the "bodily powers."[35] The doctor also cautioned against features of a traditional girl's upbringing that she considered unhealthy in their own right: "for every case of 'studied to death,' we can produce

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34 Eliza Bisbee Duffey. *No Sex In Education*; *or, an Equal Chance for Both Boys and Girls*. Philadelphia: J. M. Stoddart & Co, 1874, 32.

35 Sarah Hackett Stevenson. *The Physiology of Woman, Embracing Girlhood, Maternity and Mature Age.* Chicago: Fairbanks, Palmer & CO., 1883, 55.

five hundred of 'sewed to death.'"[36] Stevenson went on to criticize the constant pressure on women to dress fashionably as a major cause of stress and illness: "Looks, not books, are the murderers of American women."[37] Julia Ward Howe, suffragist and author of "The Battle Hymn of the Republic,"[38] echoed Steven's condemnation of women's fashion and questioned why education received so much more criticism than dangerous and unhealthy beauty trends: If only "the zeal of the faculty' had directed itself as openly and efficiently against late hours, tight lacing, high-heeled shoes, and the use of nerve stimulants and cosmetics, as it did against the healthful and satisfying pursuit of learning!"[39] In an anthology of essays by writers responding to Edward Clarke called *Sex and Education*, Howe argued that fashion wasn't just an inconvenience but a tangible risk to women's physical well-being. The corset, she argued, disabled and restricted "the muscles which should keep the uterus in place," leading to "uterine displacement" and "ill-educated, over-burthened muscles."[40] By incorporating criticism of gender roles into the debate over women's education and sterility, Howe, Duffey, and Stevenson strategically reframed the conversation and seized a valuable opportunity to voice their frustration with restrictions on women's freedom and agency to a wide audience of readers.

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36 Sarah Hackett Stevenson. *The Physiology of Woman, Embracing Girlhood, Maternity and Mature Age.* Chicago: Fairbanks, Palmer & CO., 1883, 62.

37 Sarah Hackett Stevenson. *The Physiology of Woman, Embracing Girlhood, Maternity and Mature Age.* Chicago: Fairbanks, Palmer & CO., 1883, 68-69.

38 The Editors of Encyclopaedia Britannica, "Julia Ward Howe." Encyclopaedia Britannica. Encyclopaedia Britannica, Inc. August 22, 2017. https://www.britannica.com/biography/Julia-Ward-Howe

39 "How Is it With the Woman?: Julia Ward Howe Thinks the Woman of To-Day Better Than Her Predecessor: Forward Steps and Higher Education for Woman–Is She Less a Woman Because She Is More a Citizen?–Young Women in College." *The Indianapolis journal.* (Indianapolis [Ind.]), 17 Nov. 1889. Chronicling America: Historic American Newspapers. Lib. of Congress.

40 Julia Ward Howe, ed. *Sex and Education: A Reply to Dr. E.H. Clarke's "Sex in Education."* Boston: Roberts Brothers, 1874, 29.

In stark contrast to male doctors' lack of evidentiary basis for their claims, many of the writers advocating for women's education conducted studies and compiled large amounts of data to support their arguments. Grace A. Preston cited "statistics published in 1885 by the Association of Collegiate Alumna" demonstrating that in a single class of a college's alumnae, "the eight members who are married are all mothers and are in good health."[41] Thomas Wentworth Higginson compiled statistics regarding the "physical health and condition" of the graduates of Antioch College; of forty-one graduates, thirty were married and twenty-four had produced a combined total of forty-nine children. From this data, Higginson could not imagine "how the most earnest advocate of higher education could ask for a more encouraging exhibit."[42] The Association of Collegiate Alumnae issued a special report on the ""Health Statistics of Women College Graduates" in 1885. The Association issued a series of forty questions to "all graduates of colleges or universities of the United States open to women" and received responses from 705 female alumnae.[43] Of the responders, 78 percent claimed to be in excellent or good health and only 17 per cent characterized themselves as "bodily miserable and infirm." Annie G. Howes, chairman of the committee, pointed out that upon entering college 20 percent of these 705 women had suffered from poor health; the four years the women spent in college actually

41 Grace A. Preston et al. "The Influence of College Life on the Health of Women" in *The Influence Of College Life On Health. Massachusetts Medical Society. Medical Communications (1790-1813)* Boston, Jan. 1, 1893; 16. *ProQuest*,

42 Thomas Wentworth Higginson. "Graduates of Antioch College." In *History of Woman Suffrage, vol. 3: 1876-1885*, edited by Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage. Rochester, NY: Privately published, 1886. pp. 496-497

43 Annie G. Howes. "Health Statistics of Women College Graduates." Report of a Special Committee of the Association of Collegiate Alumnae, Annie G. Howes, Chairman, Together with Statistical Tables Collated by the Massachusetts Bureau of Statistics of Labor. Boston: Wright & Potter Printing Co., State Printers, 1885, 7.

"detracted from the number of invalids, and can be counted as a positive physical benefaction."[44] Regarding the question of sterility, the Association noted that 130 alumnae had had children. "The exceptional record of good health among these children and their low death rate," Howes wrote, "are strong evidences that the powers of motherhood have not suffered from college work."[45] Howes concluded that the testimony of these 705 alumnae proved that over the course of the college career "instead of a loss there was an absolute gain of physical strength." She characterized her committee's study as the first of its kind, noting, "the question of the physical condition of both men and women has heretofore been more a matter of conjecture than research."[46] No doubt prepared for the contempt and scorn of patronizing male doctors and readers, female writers armed themselves with data and evidence. In doing so, women such as Annie Howes, Grace Preston, and Julia Ward Howe legitimated their criticisms of men who made baseless claims about education while demonstrating greater commitment to properly conducted scientific inquiry than did their male peers.

Male and female proponents of women's education explicitly addressed Clarke's *Sex in Education* in their writing, countering the doctor's claims point by point and using the book as an opportunity to warn against the dangers of unsubstantiated scientific theory. In a paper read before the Maine Medical Association in 1874, doctor Thomas Albert Foster derided Clarke for

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44 Annie G. Howes. "Health Statistics of Women College Graduates." Report of a Special Committee of the Association of Collegiate Alumnae, Annie G. Howes, Chairman, Together with Statistical Tables Collated by the Massachusetts Bureau of Statistics of Labor. Boston: Wright & Potter Printing Co., State Printers, 1885, 9.

45 Annie G. Howes. "Health Statistics of Women College Graduates." Report of a Special Committee of the Association of Collegiate Alumnae, Annie G. Howes, Chairman, Together with Statistical Tables Collated by the Massachusetts Bureau of Statistics of Labor. Boston: Wright & Potter Printing Co., State Printers, 1885, 17.

46 Annie G. Howes. "Health Statistics of Women College Graduates." Report of a Special Committee of the Association of Collegiate Alumnae, Annie G. Howes, Chairman, Together with Statistical Tables Collated by the Massachusetts Bureau of Statistics of Labor. Boston: Wright & Potter Printing Co., State Printers, 1885, 9.

his pseudoscientific approach and obvious bias. Foster deemed *Sex in Education* "a mere scare-crow, much better calculated to frighten anxious mothers and timid, fidgety young ladies, than to impart to the public correct physiological laws."[47] Foster incorporated a discussion of the role of bias in scientific research into his critique by acknowledging the power of "preformed opinions" to "warp the minds of good men" and "lead them into erroneous arguments against both philosophy and common sense."[48] Foster condemned Clarke's theory not only for its faulty scientific basis but also for its "disease generating tendency:" Clarke's "theory of invalidism," he wrote, would cause such emotional distress as to "increase the nervous derangements and functional diseases of female students twenty-five per cent, in the next ten years."[49] To Foster, Clarke's theories were both wrong and dangerous. Eliza Bisbee Duffey and Thomas Wentworth Higginson echoed Foster's denunciation of Clarke's methodology. Duffey reproached Clarke's decision to ignore "the statistics of such of our colleges as have fairly tried co-education" which "prove conclusively that women can compete with men in a hand-to-hand, unabated contest for education without detriment to their health."[50] Higginson criticized Clarke's reliance on "a few detached cases, whose scientific value is impaired by the absence of all proof whether they stand for few or many" and declared that the "burden of proof lay on those who opposed" women's education to "collect facts in support of their position."[51] Just as women's rights advocates

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47 Thomas Albert Foster. *Co-education of the Sexes: A Paper Read Before the Maine Medical Association.* Portland, Maine: Stephen Berry, Printer, 1874. 16.

48 Thomas Albert Foster. *Co-education of the Sexes: A Paper Read Before the Maine Medical Association.* Portland, Maine: Stephen Berry, Printer, 1874. 4.

49 Thomas Albert Foster. *Co-education of the Sexes: A Paper Read Before the Maine Medical Association.* Portland, Maine: Stephen Berry, Printer, 1874. 17.

50 Eliza Bisbee Duffey. *No Sex In Education*; *or, an Equal Chance for Both Boys and Girls*. Philadelphia: J. M. Stoddart & Co, 1874, 60.

51 Thomas Wentworth Higginson. "Graduates of Antioch College." In *History of Woman Suffrage, vol. 3: 1876-1885*, edited by Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage. Rochester, NY: Privately published, 1886. pp. 496-497 .

incorporated critiques of gender norms and patriarchy into their responses to male doctors, scientists and medical professionals used their published replies to Edward Clarke's *Sex in Education* as an opportunity to advance progressive pleas for objective and evidentiary research methodology.

In perhaps their most daring challenge to patriarchal medical consensus, proponents of women's education blamed American couples' sterility and childlessness on men. Laurenus Clark Seelye, president of Smith College, attributed the relatively low rates of marriage and childbirth among college alumnae to the many causes that "now lead men in active life to postpone marriage." Women, Seelye explained, could not "take the initiative and seek a husband," and therefore the responsibility for low marriage rates lay with the young men who did not actively court female college graduates.[52] Annie G. Howes of the Association of Collegiate Alumnae attributed low marriage rates to men who "fail to prefer college women for their wives" and who refuse "to marry a woman who may equal if not exceed them in mental power."[53] Although still a minority within the profession, a growing number of doctors, both male and female, investigated the possibility that male disease and disorder contributed to a couple's sterility. In an 1892 article in the medical journal *Times and Register*, a Cincinnati doctor called E.S. McKee noted that although "formerly it was supposed that men were rarely sterile, […] latterly they have been found to represent a goodly number." [54] Thomas Albert

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52 L. Clark Seelye. "The Influence of Education on Marriage and Maternity." *The Independent ...Devoted to the Consideration of Politics, Social and Economic Tendencies, History, Literature, and the Arts (1848-1921)*, vol. 60, no. 2989, Mar 15, 1906, pp. 624. *ProQuest*,

53 Annie G. Howes. "Health Statistics of Women College Graduates." Report of a Special Committee of the Association of Collegiate Alumnae, Annie G. Howes, Chairman, Together with Statistical Tables Collated by the Massachusetts Bureau of Statistics of Labor. Boston: Wright & Potter Printing Co., State Printers, 1885, 16.

54 E.S. McKee."OBSTETRICS AND GYNECOLOGY." *Times and Register* (1889-1895), vol. 24, no. 16, Apr 16, 1892, pp. 396. ProQuest.

Foster concurred, writing, "there are many causes of sterility, and it is by no means confined to the female" given that "the generative organs of the husband may be in some way incapable of producing the sperm-cell."[55] In an article published in *Transactions of the American Gynecological Society* in 1876, Emil Noeggerath cited latent gonorrhea passed from husbands to their wives as a cause of sterility. The theory proved controversial and was rejected by Noeggerath's colleagues.[56] In 1892, an article titled "Sterility in the Male" published in the *Medical and Surgical Reporter* cited Dr. L. Seeligmann's contention that "azoospermia," "the most frequent cause of sterility, or rather impotency, in the male," contributed to "matrimonial sterility."[57] Although the tendency to blame women for a couple's infertility remained dominant in medical circles and persisted into the twentieth and twenty-first centuries, these doctors' willingness to attribute some of the blame for childlessness to male disorders reflected an important shift in how doctors arrived at conclusions. Instead of basing their claims on personal and societal notions of morality and respectability, some doctors towards the end of the nineteenth century increasingly relied on scientific studies and laboratory work to arrive at conclusions that ran counter to patriarchal medical consensus.

By the time Louisa May Alcott included anxious Miss Winthrop's question in *Jo's Boys,* which sold 30,000 copies in its first two months,[58] the debate over whether higher education harmed the health of young female students had clearly reached beyond the confines of professional circles and into the public arena. Alcott evidently sided with the likes of Eliza

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55 Thomas Albert Foster. *Co-education of the Sexes: A Paper Read Before the Maine Medical Association.* Portland, Maine: Stephen Berry, Printer, 1874. 14.

56 Charles M. McLane. et al. "A Half Century of Sterility 1840-1890." *Fertility and Sterility*, Volume 20, Issue 6, 863.

57 "Sterility in the Male." *Medical and Surgical Reporter (1858-1898),* Philadelphia. Vol. 67, Iss. 25, (Dec 17, 1892): 979.

58 Gregory Eiselelein and Anne K. Phillips, ed. *The Louisa May Alcott Encyclopedia.* Wesport, Connecticut: Greenwood Press, 2001. 163.

Bisbee Duffey and Julia Ward Howe over doctors such as Edward Clarke. In response to her pupil's question, Jo March reassured the young woman that "it is all nonsense about girls not being able to study as well as boys," and that "wise headwork is a better cure for […] delicacy than tonics."[59] Jo and the women writers Alcott clearly admired demonstrated little patience for men who let their antiquated notions about gender roles permeate their scholarship. The women who challenged medical paternalism and patriarchal authority did so at a time when the medical profession's commitment to anecdotal evidence and individual treatment faced pressure from the emerging fields of quantitative studies, epidemiology, and medical statistics.[60] A debate that began with a few vocal doctors with passionate but largely unsubstantiated claims had grown to incorporate discussions about scientific method, women's rights, and female autonomy in the last thirty years of the nineteenth century.

[59] Louisa May Alcott, *Jo's Boys: A Sequel to "Little Men,"* 1949 edition. New York: Grosset & Dunlap, Inc., 1886. 266.
[60] O. B. Sheynin. "On the History of Medical Statistics." *Archive for History of Exact Sciences*, vol. 26, no. 3, 1982, pp. 241–286. JSTOR.

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The Birth of the Bryn Mawr College Black Studies Program and the Herbert Aptheker Appointment

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Bryn Mawr College

Content warning: racist, racial apologist, and homophobic views and language published in the college newspapers and in letters to the Bryn Mawr College President have not been censored in this essay. The author wishes only to represent accurately the views of the time, not to promote them.
The author also wishes to indicate that they are aware of Bettina Aptheker's allegations made against her father. They have affected the research process and author's personal views on Dr. Aptheker, but are not explicitly included in this essay.

Introduction

"I have waited thirty-ones years for this moment," Herbert Aptheker is recorded proclaiming the morning of September 2, 1969. Dr. Aptheker stood before a packed classroom of students interested in "A History of the Afro-American People" – or at least interested in the latest campus drama. Aptheker, one of the most notorious Marxists in the United States during the McCarthy Era, had been hired to teach at Bryn Mawr College shortly after the blacklist on him for his political beliefs was lifted in the Spring of 1969. His appointment had been vehemently opposed by many across the country.

Herbert Aptheker was involved in one of the most pivotal movements in Bryn Mawr College history – the development of a Black Studies Program.[1] These courses were developed by a group of student activists working closely with faculty and administration. Dr. Aptheker was brought to Bryn Mawr College in relation to these courses and acted as advisor to the Black Studies Committee to develop courses as well as corollary resources for the Black students during his time at Bryn Mawr.

This essay aims to uncover how Herbert Aptheker the card-carrying Communist ended up at Bryn Mawr. The controversy surrounding Dr. Aptheker's appointment serves as a focal point

[1] Technically, the courses were not a Black Studies Program yet. The 1969 Course Catalog refers to the courses in aggregate as "Black Courses" – they were, however, commonly referred to as a Black Studies Program in correspondence and the newspapers. See Bryn Mawr College, 1969-1970 Catalog. Retrieved from Bryn Mawr College Special Collections.

to analyze attitudes of the communities at and surrounding Bryn Mawr and Haverford Colleges at the time. In this essay the stakeholders who will be considered are Bryn Mawr College's powerful and interconnected alumnae network, media outlets at local and national levels, and, most importantly, the students at Bryn Mawr College – white and Black – and their parents. The administration will be considered as well through their interactions with these stakeholders. This essay aims to consider the politics of the decision to hire Dr. Aptheker – how and why he was chosen and hired – by interrogating the college (and the appointment itself) as at the nexus of knowledge production, capitalism, and racialized discourse.

The genesis of the Black Studies Program

In the November 22, 1968 issue of the newly merged *Bryn Mawr-Haverford College News*, a letter to the editor written by Brenda Jefferson '70 announced:

> "The time has come to stop lamenting the irrelevance of the Bryn Mawr-Haverford educational experience… We need action and we need it now. The Black Student's League is taking a step. Next semester we will run a course on the black man's existence in America. The course will give us a chance to compare the theory we've been choking on to reality. Reading will include some theory, policy statements from agencies dealing with blacks, and material drawn from the fields of community organizations, social work, psychology, sociology and politics. Each week we will have a guest who is actually working in the field under discussion. These people will not be executive directors, policy and program designers, 'experts' or theoreticians. We want people who are actually in the field. We want people who are… actually working under a system and know how it works or doesn't work instead of how it's supposed to work… If this and other courses of this type are to effect any change in the college situations, it must be recognized by both colleges and granted credit by both colleges. Other courses like it must be established."

The demand for a Black Studies Program was influenced by the development of the African and Afro-American Studies faculty committee at Harvard College referenced by student Virginia B.

Gunn in her letter to the *News* editor in the same issue.[2] At the time, Black Studies programs were exploding across the country. The first Black Studies program was instituted at San Fransisco State University in the Spring of 1968, and three years later the programs were a feature on over 500 four-year college campuses.[3]

The call of Jefferson and the Black Students' League was picked up by the school, and in January 1969 the *News* reported, "Bryn Mawr and Haverford Colleges are developing separate black studies programs to be instituted this semester and next year."[4] The courses developed this first semester of fall 1969 were Interdepartmental 105b (Black Writers in the American Scene) and Sociology 215b (Field Work in Urban Studies) at Bryn Mawr College, and a linguistics course at Haverford College studying African-American urban dialect. The Bryn Mawr courses would be taught by professors already at the College, the Haverford course by visiting lecturers from Washington, D.C.

To continue the progress, a set of "Proposals" by the Bryn Mawr Black Students' Committee, "which consist[ed] of five Black students, two white students, and three faculty advisors, Mr. Baratz, Mrs. Dunn, and Mr. Schneider, together with the help of other Black students and interested whites" was published in the *News* on April 15, 1969.[5] The announcement read:

> "As Black Students we are deeply concerned that Bryn Mawr College break with the patterns of falsification and omission that have characterized the treatment of the role and contribution of the Black people to America, and all over the world. Bryn Mawr must deal with racism on its campus and in its courses. We demand… (1) Recognition of the Committee and its functions; (2) Addition of the five proposed course[s] to the

[2] Virginia B. Gunn, Letter to the editor, *The College News*, Jan. 31, 1968. "Haverford Afro-American Seminar Has Harvard Speaker, Workshops," *The Bryn Mawr-Haverford News*, Apr. 11, 1969.
[3] Noliwe M. Rooks, "The Beginnings of Black Studies," *The Chronicle of Higher Education* 52, no. 23 (Feb. 10, 2006): B8.
[4] "Two Colleges Develop Courses Studying Black Culture, History," *The College News*, Jan. 31, 1968.
[5] "Bryn Mawr Black Students Submit Proposals on Studies to Community," *The Bryn Mawr-Haverford News*, Apr. 15, 1969.

> curriculum. These include: Black Intellectual History, the History of the American Working Class, the Black Family, Black Political Participation, and the Black Urban Experience; (3) Reviewing and changing courses presently in the curriculum to insure[*sic*] that they adequately deal with the role of the Black people and instituting a training course to prepare faculty to include this material in their courses[;] (4) Hiring of four faculty members in the area of Black Studies; (5) Updating the library adequately to deal with Black Studies and in particular full representation of the Black authors in the field; (6) Provision of funds to cover the costs of this program."[6]

The timing of the proposals was likely influenced by a number of factors. Since the development of the first three Black Studies courses at the beginning of the semester, on February 14, 1969, discussion of racism on-campus had flared surrounding an article published in the *News* entitled "The Student as Ni**er: Relationships in the University".[7] The article argues that students are on an equal standing as the enslaved. The article was protested immediately and over the next weeks letters appeared in the *News* denouncing the premise and the use of racial slurs, and subsequently denouncing the denouncers for their own use of racial slurs.[8] Students and professors in the *News* reported feeling angered and threatened by the comparisons, which no doubt fueled the desire to improve the program and test the institution's commitment to the cause of racial equality. The timing of the Proposals' release in mid-April was sufficient that it allowed Bryn Mawr College and the Black Students Committee time to negotiate the demands before the end of the semester, but not so long that urgency was lost before classes ended for the summer and campus dispersed.

The administration acted quickly on at least some of the Proposals. A joint faculty-student committee meeting held on April 23, 1969 included a student delegate from the Black

[6] "Bryn Mawr Black Students' Proposals," *The Bryn Mawr-Haverford News*, Apr. 15, 1969.
[7] Jerry Farber, "The Student as Ni**er: Relationship in the University," *The Bryn Mawr-Haverford News*, Feb. 14, 1969.
[8] Ethel Sawyer, Letter to the editor, *The Bryn Mawr-Haverford News*, Apr. 8, 1969. H. Williams, Letter to the editor, *The Bryn Mawr-Haverford News*, Apr. 11, 1969. Steven Gerber, Letter to the editor, *The Bryn Mawr-Haverford News*, Apr. 11, 1969.

Studies Committee, Renee Bowser '70.[9] Bowser "reported that Mr. Herbert Aptheker had already met with members of the Appointments Committee and Mr. Clifton Jones and Mr. Bryan Rawlins [*sic*] would be meeting with them this week" and "Miss [Katharine] McBride said that the Curriculum Committee had approved in principle the inclusion of courses in Black Studies in the curriculum under departmental auspices".[10] McBride commented on the haste, "Ordinarily in appointing a visiting lecturer I… do not think it important enough to be checked with the Board. In the case of Mr. Aptheker,… I called as many of the officers of the Board as I could reach. All agreed that… we should go ahead with the appointment." McBride had been given a deadline by the Black Studies Committee of April 25 – ten days following the publishing of the Proposals – to approve someone for the new position. The Proposals were released on Tuesday, April 15; a week from that date, Tuesday, April 22, Dr. Herbert Aptheker visited Bryn Mawr on the recommendation of the Black Studies Committee to meet with students, History department faculty, and school administration; the history department approved him immediately, and on Friday the statement in support of his hiring was received from the Appointments Committee.[11]

Approaches to radicalism

The movement to establish a Black Studies Program at Bryn Mawr College was never meant to be a radical movement, if radical can be defined as "advocating… complete political or

[9] This is essentially the same as the Black Students Committee – which had changed its name when the College recognized it. It had changed a bit in form when the college recognized it – it now consisted of five Black students, two students of no proscribed race elected from the student body as whole, and three faculty advisors – these adjustments were the result of a compromise between President McBride and the Committee.

[10] "Curriculum Committee, April 23, 1969, Joint Faculty-Student Committee Meeting," (minutes, Bryn Mawr College, 1969), in *Digitized Documents, History of Race at Bryn Mawr: Black Studies*. Accessed online via Bryn Mawr College SGA Archives: http://archives.blogs.brynmawr.edu/files/2016/11/BlackStudies_001-014.compressed.pdf. Professor Jones would teach Political Science 231 (Black Participation in American Politics) and Professor Rollins would teach Sociology 230a. (The Negro Family in the United States); an interdepartmental course for faculty and interested advanced students was shared between the three professors.

[11] Mindy Thompson, for the BSC, "BMC Black Studies Committee Statement," Apr. 25, 1969.

social change;… extreme."[12] In her pieces for the *News*, spokesperson Mindy Thompson '71 referred to herself and the Committee as "Progressive".[13] Their aim was not to fight the power of the institution, but to work with it for good. Within this framework, many of the decisions made by the Committee and the administration can be better understood.

Take the format of the courses, for example. In her letter to the Bryn Mawr College Board, McBride writes "The plan is <u>not</u> a 'Black Studies Program' but a series of three courses for undergraduates."[14] The argument McBride made against an independent Black Studies Program was that the courses would reach more people if they were interspersed throughout departments. The Black Studies Committee also did not want Black Studies to become "compartmentalized" by being separate from the rest of the courses.[15] The College and Committee chose to emphasize the racial inclusion aspect of the project. The goal was "to give Black culture a place without isolating it."[16] Bryn Mawr looked to "diversify predominantly white curricula… promote integration, and, perhaps most important, give what was then seen as the more militant version of separatism and black nationalism a wide berth."[17] Not isolating Black culture implied, however, that it did not have the value to uphold an entire department: that perhaps they would run out of content, that Blacks were not human enough on their own to be analyzed historically, sociologically, psychologically, etc. Aptheker would recognize this and advocate after his appointment for the expansion of the courses into a full department (including

[12] Oxford Dictionary Online, "Radical," accessed Dec. 20, 2019: https://www.lexico.com/en/definition/radical.
[13] Mindy Thompson, "Anti-Communism Masks Attack On Progressives," Oct. 10, 1969.
[14] Katharine McBride, Letter to the Bryn Mawr College Board, Jun. 5, 1969 in *Digitized Documents, History of Race at Bryn Mawr: Black Studies*. Accessed online via Bryn Mawr College SGA Archives: http://archives.blogs.brynmawr.edu/files/2016/11/BlackStudies_001-014.compressed.pdf.
[15] "Bryn Mawr Black Students Submit Proposals on Studies to Community," *The Bryn Mawr-Haverford News,* Apr. 15, 1969.
[16] "Bryn Mawr Controversy on Aptheker Goes On," *The Philadelphia Inquirer,* Jul. 13, 1969.
[17] Noliwe M. Rooks, "The Beginnings of Black Studies," *The Chronicle of Higher Education* 52, no. 23 (Feb. 10, 2006): B8.

graduate courses), and connecting this institutional recognition with general understanding that "[Black Studies is] a legitimate field of human knowledge, just like any of the other courses taught in colleges and universities."[18]

In comparison to the approach taken to the academic field of study, the isolation of – a better term might be concentration upon – Black culture was not an issue in the annual student-organized Black Arts showcases, which celebrated Black artists, writers, poets, dancers, musicians, and playwrights by letting Black Arts stand on its own.[19] If they gave students of color what they wanted without removing the expectation for these students to learn white curriculum and integrate into the predominantly white culture of Bryn Mawr College in order to obtain their degree, the College could turn complaints of isolation based on the color of an individual or group's skin back on them: *we gave you the opportunity*. This attitude of victim-shaming is evident in the Bi-Co in an editorial in the *News* on the subject of a Black Studies Conference organized and sponsored by the Black Studies Committee held at Haverford, where one participant is recorded as commenting, "'I think blacks are largely responsible for creating the race problem.' [because they] often sit in groups by themselves at meals".[20] By integrating Black Studies into the preexisting white framework, as Noliwe M. Rooks argues, Black Studies programs were viewed and understood "as a means of solving the longstanding 'Negro Problem'."[21]

[18] "Black Studies Conference," *The Bryn Mawr-Haverford News*, Apr. 10, 1970.
[19] Jackie Williams, "A Cry For Black Awareness," *The College News*, Feb. 2, 1968.
[20] "Colloquium Wednesday at H'ford Will Concentrate Solely on Race," *The Bryn Mawr-Haverford News,* Apr. 10, 1970.
[21] Noliwe M. Rooks, "The Beginnings of Black Studies," *The Chronicle of Higher Education* 52, no. 23 (Feb. 10, 2006): B8.

Neither students nor administration wished for the protest to become negatively confrontational.[22] Throughout the weeks of the end of the spring 1969 semester students, administration, and faculty worried that the situation would become uncommunicative. McBride's response to the Proposals and the impatience of the Black Studies Committee was to pacify them, to avoid their anger. In appointing Aptheker, she writes that she would have waited for the full Board to appove this decision but decided to go on without their input, since "the Black Studies Committee was beginning to feel that no progress was being made and to question our intentions. It seemed important to act quickly and that we did."[23] The Committee let their grassroots power simmer in annoyed but not accusatory *News* articles, and President McBride took every day of her alloted ten days to make the decision on Aptheker. Student opinion in the Bi-Co also hoped to avoid violence. In an editorial published concurrently with the Proposals entitled "It Can't Happen Here", the *News* reflects with horror on protests turned violent at the University of Pennsylvania, Harvard University, Columbia University, UC-Berkeley and Swarthmore College within the last years and asks, "Can we… remain attached to our belief in the commitment to reason and nonviolence here?"[24] The Committee's desire to work with the administration did not mean that they trusted them, though. They felt like they were not being taken seriously when the Appointments committee failed to produce a list of potential hires to match their own. On April 25, the day appointed for administration to make their announcement about hiring Aptheker, Thompson wrote, "It is not yet time for rejoicing. But if Herbert Aptheker

[22] Terry Krieger and Doug Johnson, "Radicals, Rightists Are Opponents of True Liberalism on the Campus," *The Bryn Mawr-Haverford News*, Apr. 18, 1969.
[23] Katharine McBride, Letter to the Bryn Mawr College Board, Jun. 5, 1969 in *Digitized Documents, History of Race at Bryn Mawr: Black Studies*. Accessed online via Bryn Mawr College SGA Archives: http://archives.blogs.brynmawr.edu/files/2016/11/BlackStudies_001-014.compressed.pdf.
[24] "It Can't Happen Here," *The Bryn Mawr-Haverford News,* Apr. 15, 1969.

is appointed soon then we Black students at Bryn Mawr will begin to have confidence in the good intentions of the administration."[25]

Both students and administration bent under the power of the other when reaching a compromise. President McBride and her successors eventually agreed to all of the Proposals of the Black Students Committee. However, they exercised power by inserting the two elected positions onto the Black Studies Committee. The power in the demand then lie with the students, but the Black Studies Committee necessarily (and un-radically) left the power of execution to the administration. These are the two groups whose power came head-to-head in these early stages of the development of the Black Studies Program. Soon more players would begin to fight their way onto the field, each with their own mite of power and each with opinions to share with anyone who would listen.

Stakeholders: voices for and against Herbert Aptheker and/or Black Studies

The news that Herbert Aptheker had been offered a position as history instructor for Bryn Mawr's Black Studies Program was leaked on April 25 in the *News*. In the press release, Aptheker's biography was listed first among the three professors to be hired for the coming semester, which may have been because his name came first alphabetically, or because Dr. Aptheker's name and biography as a Guggenheim Fellow, Heritage Award recipient, and custodian of the W.E.B. DuBois papers held a certain cachet. "He has specialized in the fields of Black history and Marxism," the announcement casually declared, neither hiding nor emphasizing what would be the main objection to Dr. Aptheker's appointment: his outspoken Marxist political beliefs.

[25] Mindy Thompson, for the BSC, "BMC Black Studies Committee Statement," Apr. 25, 1969.

The story was picked up quickly by local and national news sources, mostly reporting in outrage. The newspaper reports from across the country depicted Aptheker, Bryn Mawr, President McBride, and the Bi-Co students in varying degrees of inaccuracy, but all focused on Dr. Aptheker's position as a leading Communist. Some of the reports verged on 'yellow' journalism, clearly intended to provoke a response in their readers – even when the appointment would have minimal to no impact on readers such as those in Richmond, Indiana[26] or Santa Monica, California.[27] An agitated reader of the *New Orleans Times* wrote from Fresno, California about an article which named Aptheker "Moscow's intellectual disciplinarian in the U.S.", and claimed communists infiltrated police departments and were all homosexual.[28] Editors fanned the flames of the outrage by printing letters which claimed, among other mischaracterizations, that Aptheker was a "self-proclaimed Nazi".[29] All of these newspapers had their political orientation and a readership which depended upon the stability of this orientation, much as *The Bryn Mawr-Haverford News* was oriented towards the college-age white liberal. In creating and deliberately misrepresenting the news surrounding Aptheker and other communists, President McBride, and the Bryn Mawr College Board, these news outlets are an interesting source to analyze the ways in which the history of the College can be changed so quickly, in just a few words. For example, few of the reports noted the involvement of students in the selection of Aptheker, and those that did characterized the students as dangerous Black radicals.[30] One article observed itself the editing of the history surrounding Bryn Mawr: "[the appointment of

[26] "This Kind Of Teacher We Don't Need," *The Palladium-Item and Sun-Telegram*, Jun. 5, 1969.
[27] See Nany Noble Evans, Letter to the President, Jun. 17, 18, or 19, 1969.
[28] Victor Riesel, "U.S. Reds, Panthers Plan 'People's Party'," *New Orleans Times-Picayune*, Jul. 30, 1969.
[29] *Mary Ann Amato, Letter to the editor, The Evening Bulletin, Sep. 25, 1969.*
[30] "Bryn Mawr Hit On Appointment of Communist," *The Main Line Chronicle*, Jul. 3, 1969.

Aptheker] gave substance to the growing impression that the college is becoming a hotbed of Red-oriented professors and students."[31]

Through the newspapers, and through the official press release concerning the establishment of Black Studies courses at Bryn Mawr College, the alumnae network discovered that a Communist would be teaching at Bryn Mawr. Responses from alumnae began arriving in May and ranged from strongly pro- to strongly anti-Aptheker, although the letters received by the Office of the President represented largely two tips of what was probably a standard curve of passion. The most vehemently anti-Aptheker agitator was Sheila B. Nickerson '64, the president of the Bryn Mawr Alumnae Club of Colorado. Nickerson, supposedly speaking on behalf of the entire Club under the heading "Alumnae Committee In Opposition to the Aptheker Appointment", wrote to alumnae, "We feel that this appointment is a gross abdication of responsibility to all members of the Bryn Mawr College community… we urge you to make your dissent known immediately to members of the Bryn Mawr College administration."[32] Nickerson wrote to congressional delegates, senators, the F.B.I., President Nixon, and national newspapers, and printed out copies of the press release and her appeal for a response and sent it to all of the alumnae and parents she could. Chairman of the Board Edmund J. Spaeth, Jr. wondered "where she [was] getting her funds, for it would cost approximately $600 to circularize[*sic*] the alumnae and a quite considerable amount to send letters to parents." He continued, "[I wonder] if this is really Sheila's campaign… or whether she is working for someone else."[33] If anything was

[31] *"Legislators Hit Hiring of Aptheker," The Main Line Chronicle, July 3, 1969.*
[32] Sheila Nickerson, Letter to the Bryn Mawr Alumnae Association, Aug. 25, 1969. President of the Board Edmund J. Spaeth records attempts to make sure that not the entire Colorado club had been in cahoots with Nickerson's muckraking: "Though she is president of the Bryn Mawr Club of Colorado we have thought that we should be in touch with other opinion there…Mrs. Blum [the Colorado district councilor] is not concerned about the action of the College and thinks that Mrs. Nickerson has probably been in touch with those who would share her point of view." Edmund J. Spaeth, Letter to "Ned", Jul. 18, 1969.
[33] Edmund J. Spaeth, Letter to "Ned", Jul. 18, 1969.

discovered about a financial backer for Mrs. Nickerson, it was never communicated to President McBride or not saved, indicating that Nickerson was likely spending large amounts of her own money, along with what she could fundraise, in her campaign against Aptheker – her personal wealth allowed her to compose an alternate history of Bryn Mawr for those who didn't agree with the College's political leanings and disseminate it.

Other members of the alumnae network were angry enough about the Aptheker appointment that they rescinded or denied funding to the College. Mrs. Edred J. Pennell '15 wrote to express her opinion that the College had become anti-patriotic, and that she thus did not want to give a gift to a fund founded in honor of a recently-deceased fellow-student;[34] Eleanor Davis O'Connor '20 phoned that she would "remove [the] bequest to Bryn Mawr College from her will".[35] The question of funding was certainly of import to the College, and the alumnae network is an important source of funding. In 2019, gifts made up eleven percent of Bryn Mawr College's annual income, the fourth highest-grossing activity of the college, equaling over fifteen million dollars.[36] Aptheker wrote in a letter, "the [Bryn Mawr] administration is letting out that this is costing the College a million dollars in gifts and how can they repeat that etc. etc."[37]

Anticipating this need to pacify the alumnae, the Office of the President had prepared seventeen sample letters, picking and choosing from a selection of phrases to address different objections. Of these, the most common assertions, appearing in sixteen of the seventeen letters, were first that Aptheker was a "pioneer" and "highly qualified" for the position, and second that the Bryn Mawr community – faculty, students, and administration – were smart enough to come

[34] Eldred J. Pennell, Letter to Peggy Stone, Aug. 1, 1969.
[35] Eleanor Davis O'Connor, Telephone message to Office of the President, June 17, 18, or 19, 1969.
[36] Have yet to find statistics on the budget for 1969, but it seems safe to assume that the numbers wouldn't have been terribly different.
[37] Herbert Aptheker, Letter to Jesse Lemisch, Nov. 28, 1969, quoted in Gary Murrell, *The Most Dangerous Communist in the United States* (U. Massachusetts Press, 2015): 213.

to their own conclusions regarding communism and the worst Aptheker could do was inspire lively debate. These assertions reclaim the narrative of Aptheker's viability as an academic against Nickerson's claim that Aptheker's works are "propagandist".[38] One of the jobs of the administration is to manage the image of the school, and through these letters they hoped that spinning a different perspective on the Aptheker appointment which aligned with their perceived reality would talk sense into the livid alumnae.

Mrs. Nickerson's campaign also reached out to the parents of current students. These parents, prompted by Nickerson to express their disapproval of the appointment to President McBride, responded in surprising numbers: thirty-eight letters from parents regarding the Aptheker appointment remain preserved in the College Special Collections fifty years later. The responses to the news were as varied as the responses of the alumni. One parent whose daughter was a member of the Class of 1971 wrote, "The appointment of Herbert Aptheker to your faculty casts some grave doubts of (their daughter) returning to BMC [after a year off]."[39] The parents were another important potential source of income –tuition. The sample letters were also sent out to parents, along with personal notes regarding their daughters at Bryn Mawr, hoping to pacify this other source of income.

Student opinion was likely similarly fractured. However, *The Bryn Mawr-Haverford News* records only a series of letters supporting the appointment and none opposing.[40] The opposition of the students was more subtle than the opposition of the parents, news outlets, and alumnae, but the quiet should not be taken for agreement:

[38] Sheila Nickerson, Letter to the Bryn Mawr Alumnae Association, Aug. 25, 1969.
[39] Harold McGeorge, Letter to the President, Sep. 14, 1969.
[40] My favorite of these reads: "We could not agree more with those who could not agree less with those opposed to the appointment of Mr. Aptheker. [Signed,] The Ad Hoc Committee of the Opposition to the Opposition to the Appointment of Aptheker." Karl weaver, Mark Love, Charles Olson Lerche III, Jon Ives, Owen Trainer, and William Levin, Letter to the editor, *The Bryn Mawr-Haverford News*, Oct. 10, 1969.

Mindy Thompson, one of the students at the forefront of the development of the Program the year before, wrote in an October 10th Op-Ed for the *News* comparing the furor surrounding Aptheker's appointment to Angela Davis' battle with the California Board of Regents: "Anti-communism is wrong for civil libertarian reasons, for revolutionary reasons – for many reasons. But mainly it is a smoke screen for the attack on the progressive forces which does not and never has helped solve the real problems of the country… such as racism."[41] Indeed, latent racism appears to have been rampant on both campuses. An article written by Patricia Burks '71 and Valerie Hawkins '69 records with disgust the low percentage of the white students represented at a civil rights rally hosted by the Bryn Mawr-Haverford Negro Discussion Group in 1968. "We think it significant (and sad) that so many white students saw fit NOT to come… there was almost complete attendance by black Bryn Mawrters and Haverfordians – not to mention the support of black students from Princeton, Temple and Franklin and Marshall."[42] The lack of active campus support outside of the tight-knit circle of students of African and African-American heritage shows the apathy of the white community on campus. However, other events such as an anti-Vietnam War fast which featured Black Power speakers, saw massive participation.[43] It is perhaps because of this uneven pattern of participation that Professor Eugene Schneider, one of the members of the Black Studies Committee, commented to the *News*, "It really is very hard to predict what the Bryn Mawr students are going to do" and expressed his hope that the support for the Black Studies Proposals would be general "rather than coming just from the more radical students."[44]

[41] Mindy Thompson, "Anti-Communism Masks Attack On Progressives," Oct. 10, 1969.
[42] Patricia Burks and Valerie Hawkins, Letter to the editor, *The College News*, Mar. 1, 1968.
[43] "Concern Over Urban Crises Leads to Fast and Teach-In," *The Bryn Mawr-Haverford News*, Feb. 16, 1969.
[44] "Proposals for Black Studies Win Dean Marshall's Favor," *The Bryn Mawr-Haverford News*, Apr. 18, 1969.

Demonstrating misunderstanding at the least, in the fall of 1968, Brenda Jefferson, the writer of the letter from November 1968, returned from a Black students' conference at Princeton University in 1969 to discover that F.B.I. agents had been searching for her over the weekend, allegedly for involvement in riot-planning, monument-defacing, and consorting with Black power radicals.[45] Jefferson's whereabouts the weekend before, she told the Bryn Mawr College News, could only have reached the F.B.I. through "an undercover agent [at Bryn Mawr College], or else (a friend or a fellow resident of Pembroke East) went running to the free phone in the middle of the night [to report her]".[46] Jefferson's visibility on campus as a person of color and as a popular student (Jefferson had been elected Traditions Songsmistress by her class the year prior, one of the most prestigious positions a sophomore can hold on-campus) made her a target for racist slander . "Perhaps the reporting was done by a frightened girl who mistook harmless comments for sinister threats," an article in the *News* proposed.[47] The anonymous apologist did not consider that this student was empowered because of the attitude of the country towards perceived radicals, in particular those of African and African-American heritage. That an anonymous student could simply walk to a telephone and bring down the force of the Federal government upon her peer meant that she should perhaps be more thoughtful about what frightened *her*.

Further signs of a separation between Black and white students at Bryn Mawr are scattered throughout the *News*. A colloquium on the topic of Race came under fire by students threatening to picket the event because it happened during an anti-war fast, and featured white students expressing their annoyance that Black participants failed to be open.[48] It was discussed

[45] "FBI Investigates Brenda Jefferson," *The College News*, Apr. 26, 1968.
[46] Ibid.
[47] S.D. and N.M., "Frightened By Investigation," *The College News*, Apr. 26, 1968.
[48] 2.23 "Haverford Colloquium: Day-Long Discussions on Problems of Race"

that students often ate with groups of their same race, indicating a lack of understanding and cross-racial friendships. In a feature titled "Radicals, Rightists Are Opponents of True Liberalism", 'Radical' and 'Black' are used interchangeably, and this Black Radical threatens the institutionalized white liberalism of the Bi-Co.[49]

The racial tension among students at Bryn Mawr no doubt led many to disapprove of Aptheker's appointment, as he had advocated for racial equality for decades. While there are no articles published in the student newspapers which actively oppose Aptheker's appointment, Thompson's article outlining how opposition to the appointment stemmed from a racist culture was addressed to students, not to the alumnae, parents, or conservative American newspaper-readers. Because of this, it can be assumed that students were discussing their opinions on-campus even if they didn't express them in printed form: Thompson's letter was reactionary, which requires something to be reacted against.

A rather nasty letter published in the *News* on May 2, 1969 expressed the voice of one minority which felt that their history was being silenced in the upheaval about Black Studies in the Bi-Co. The letter read: "Thank God – they've initiated a Black Studies program without allowing their energies to be dissipated or side-tracked by dilettantish, irrelevant alternatives – Asian studies. …Black studies are so much more contemporaneous! So well-meant! Such a liberal-minded undertaking!"[50] The students brought up a valid point, although not articulated in the most respectful manner. At a time when Black Studies programs were exploding all over the country, those who wished to institute them had a certain degree of power that was based on their

"Colloquium Wednesday at H'ford Will Concentrate Solely on Race," *The Bryn Mawr-Haverford News,* Apr. 10, 1970.

[49] Terry Krieger and Doug Johnson, "Radicals, Rightists Are Opponents of True Liberalism on the Campus," *The Bryn Mawr-Haverford News,* Apr. 18, 1969.

[50] Mary Yee and Leslie Wilson, Letter to the editor, *The Bryn Mawr-Haverford News,* May 2, 1969.

relationship to current social and radical movements in comparison with other campus minorities. There is no reason why course offerings in Black Studies and other minority studies cannot coexist; however, the institution of the courses proposed by the Black Studies Committee required money from the College and time from the faculty and staff, money and time which other minorities may have envied.

Unlike the two students of Asian heritage, the majority of the students, parents, and alumnae were careful to separate their disapproval of the man teaching the course from their supposed support of the new Program in their letters, whatever their true motives were. As can be gathered from the evidence above, the decision to hire Herbert Aptheker as a member of the Black Studies Program rallied opposition around the program from the very start. It provided an outlet for those who did not wish to express outright racism, and who would not otherwise have written were they not prompted to do so by Mrs. Nickerson. Aptheker had come up against similar opposition in the past in trying to publish the W.E.B. DuBois papers. In 1948, Dr. Aptheker wondered in a letter to DuBois, "How much deterring effect on the accomplishment of [the] prime task is my association with it having?", the prime task being the publishing of the letters as a resistance against the silencing of the voices of African-American academics.[51] At the time, DuBois assured Aptheker that he was the right man for the job. In 1970, Aptheker ran up against the same issue when his application for a grant from the National Endowment for the Humanities to support the project was denied. "What bothered those 'scholars'… was the name of the person to whom Dr. Du Bois entrusted his Papers," he wrote in a letter.[52] This later statement shows none of the worry of the 1948 letter – the intervening twenty years had seen

[51] W.E.B. DuBois, *The Correspondence of W.E.B. Du Bois* Vol. 3, ed. Herbert Aptheker (Amherst: U. Massachusetts Press, 1997): 177.
[52] Herbert Aptheker, Letter to Henry I. Tragle, Dec. 28, 1970, quoted in Gary Murrell, *The Most Dangerous Communist in the United States* (U. Massachusetts Press, 2015): 218.

Aptheker repeatedly rejected on the basis of his political beliefs and it appears that his skin had thickened. Individual grant and manuscript reviewers bent to the power of the academic industrial complex, which in turn bent to the power of the McCarthy Commission. Aptheker did not express in writing his misgivings about his position at Bryn Mawr. He likely would have agreed with Mindy Thompson's article arguing that anti-Communism on-campus disguised latent racism and, as he had before, carried on.

"Quick and powerful with life"

Beyond his Marxist approach, Aptheker's experiences with McCarthyism lent him a unique perspective on the experience of those who had experienced discrimination in the United States. In 1938, Aptheker was blacklisted and banned from teaching because of his well-known political stance. He searched for a job for thirty years before being hired at Bryn Mawr. Aptheker himself had pondered the comparison between the persecuted Communist and the Black American twenty years earlier, during the 1949 trials of the national leadership of the Communist party of the United States. Then, W. E. B. DuBois had responded frankly to Aptheker's inquiry about the famous Black scholar's being able to leverage his considerable influence in the favor of the Communists: "I think the analogy between the American Negro… and the Marxists is not good. …[T]here is the initial and vast difference that working people are always the vast majority; while the Negro slaves were usually a minority."[53] Emerging on the opposite side of two decades of the Civil Rights movement, it seems likely that Aptheker had learned, as DuBois had, that Communists and Black Americans were not comparable. However,

[53] W.E.B. DuBois, *The Correspondence of W.E.B. Du Bois* Vol. 3, ed. Herbert Aptheker (Amherst: U. Massachusetts Press, 1997): 261-62.

in studying their history and advocating alongside them for their rights, Aptheker did have individual experience with the creation of false narratives about him.

Herbert Aptheker was aware of the drama surrounding his appointment, and aware that as the advisor to the Black Studies Committee he was helping students create the history of the College. The malleability of history was one of Aptheker's main academic interests. In 1956, Aptheker wrote in "Negro History: Its Lessons For Our Time": "One of the areas in which racism has been most apparent in our own country, and… with which we are here directly concerned is history writing. A Jim Crow society produces a Jim Crow historiography. …[H]istory, far from being 'dead' is quick and powerful with life."[54] History, to Aptheker, was a method of combating racism and inequality.

The Black Studies Committee likewise was interested in the creation of history, and showed this same rationale for being interested: "It is not the truth when American History leaves out the part Black Americans played in building this country… Black History did not develop apart from American History. It is part and parcel of it and must be taught that way."[55] In the spring semester of 1969, Herbert Aptheker had come to Bryn Mawr College to give a talk on Nat Turner. Aptheker no doubt addressed his well-publicized argument with author William Styron over his novel *The Confessions of Nat Turner*, which Aptheker and the vast majority of the African-American academics in the country condemned as criminally rewriting an iconic African-American historical figure.[56] Thompson would later recall that Aptheker's first presentation "created the potential for me to be Black at Bryn Mawr. My fellow agitators and I

[54] Herbert Aptheker, "Negro History," in *Aptheker on Race and Democracy*, ed. Eric Foner and Manning Marable (Chicago: U. Illinois Press, 2006): 2.
[55] "Bryn Mawr Black Students' Proposals," *The Bryn Mawr-Haverford News*, Apr. 15, 1969.
[56] Gary Murrell, *The Most Dangerous Communist in the United States* (U. Massachusetts Press, 2015): 212.

were determined that he would join the faculty."[57] It seems likely that Aptheker's reclaiming of Turner's narrative inspired the Bryn Mawr students in their efforts to reclaim their own narratives, and they sought him out because of his experience in framing Black history: how he framed narratives such as Nat Turner's rebellion could have been how the students wished to learn to frame their own narratives. The Committee's interest in reclaiming and creating history can be seen in their phrasing of the Proposal and their choice of the five classes they wished to be taught. Their first demand, that the College recognize the Committee, demonstrates their awareness of the erasure of Black movements in the past; they wanted to be not only heard but officially acknowledged. The courses that they chose to propose (Black Intellectual History, the History of the American Working Class, the Black Family, Black Political Participation, and the Black Urban Experience) show an awareness of the necessity of both learning about their subject to create history for the future, as well as learning about how the subject has come to be what it is.

Conclusion

Aptheker's presence lent the Black Studies Program at Bryn Mar College an air of remarkable radicalism, although whether he were truly as exciting as the masses were hoping – or fearing – he would be was debatable.[58] The Black Studies Program was the result of determined and surprisingly effective negotiation between the College's administration and a contingent of outspoken activists who were inspired by the trends of higher education and the recognition of their ability to reclaim lost history. The decision dragged alumnae from the

[57] Gary Murrell, *The Most Dangerous Communist in the United States* (U. Massachusetts Press, 2015): 212.
[58] Office of the President, Sample letter. "I gather [Aptheker] has no 'charisma', and is liable to expect a good bit of hard work from [the students]."

woodwork, sparked a small media furor, and forced parents to evaluate their students' strength of mind. For students, the last years of the Sixties were full of racial tension and the realignment of the existing social stratification at the College. The decision to hire Aptheker signaled a willingness by the administration to lean into the Proposals of minority students at a time when higher education was experiencing a shift towards a more inclusive system where students' voices were both respected and feared.

Aptheker arrived on campus in the fall of 1969 ready to teach. "Fifty-five students attended his first class, over twenty of whom were Black."[59] Also present staked-out on-campus were television cameras and reporters, and likely some of the pickets mentioned in the *News*.[60] Some of the students who continued in his class that semester felt that he was an excellent professor, some felt that he was not, some simply declared him "a very sweet, sweet man".[61] The *News* declared *"La guerre est finie"*.[62] Indeed, Aptheker was in an office, the flood of letters ebbed; this particular war had been won – by whom and for whom would be determined in the next years of the Black Studies Committee.

[59] Susan Walker, "I Have Waited 31 Years for this Moment: Aptheker Holds First College Course; A Gentle Man," *The Bryn Mawr-Haverford News*, Sep. 19, 1969.
[60] Gary Murrell, *The Most Dangerous Communist in the United States* (U. Massachusetts Press, 2015): 213. "La guerre est finie," *The Bryn Mawr-Haverford News*, Sep. 16, 1969.
[61] Susan Walker, "I Have Waited 31 Years for this Moment: Aptheker Holds First College Course; A Gentle Man," *The Bryn Mawr-Haverford News*, Sep. 19, 1969.
[62] "La guerre est finie," *The Bryn Mawr-Haverford News*, Sep. 16, 1969.

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Title: Made in the USA: Technological Corporatism, Infrastructure Regulation, and DuPont 1902-1917

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The turn of the twentieth century radically renewed industrial organization across the United States. Early American corporations -- centralized manufacturing hubs with journeymen and apprentices laboring under one roof -- were seldom prepared for the transformations that scientific management and structural reorganization would bring to social relations. At the helm of World War 1, DuPont became the epitome of broader national restructuring. Through a close relationship with American military industries and legislatures, the DuPont brothers came to represent Business as an inseparable component of the State. While labor historiography has primarily focused on organizers' relationship with regulators, important segments of its inverse -- the relationship between Industry and lawmakers -- have been ignored. In the history of DuPont's growth lies the story of American labor's disintegration and the organized dismantling of the civil rights campaigns. The reasons for the supposed failure of American workers to build a mass socialist party cannot be discovered in the structures of accumulation or labor markets alone, but in the insinuation of industrial change into the total sphere of American life. This paper dissects the evolution of DuPont along with American labor. The important question is why and how a corporate-state came to possess such a pervasive and socially dominant nature. DuPont is the ideal case study to analyze how capitalism transformed and joined American politicians in suppressing labor movements, writing policy, and engineering social attitudes between 1902 and 1917.

DuPont and New Corporatism

In the late 19th century, railroads simultaneously transformed the geography of the American frontier and its organizational potential. Thirty years after the transportation revolution, DuPont drew on their corporate developments to build an organizational behemoth

that would inspire the majority of big business throughout the 20th century. The corporate managers who took over DuPont in 1902 entered a family business that had previously been operated through a loose network of firms, with a central figure delegating responsibilities to all factory employees. Upon restructuring, DuPont integrated ideas of scientific management into their bureaucratic organization. Vertical integration pushed for the development of an administrative middle-class, new accounting methods, and further segmented labor markets. With these innovations, the visible hand of management replaced the invisible hand of markets in regulating economic activity.

Most economic activity throughout America's 19th century rested corporate control in a quintessential patriarch. After narrowly escaping the guillotine during the Reign of Terror, Pierre Samuel du Pont and his son, Eleuthere Irenee du Pont moved to the United States.[1] Eleuthere, disappointed with the quality of gunpowder in the new country, decided to start a gunpowder mill near the Brandywine, in Delaware.[2] E.I. Du Pont De Nemours Gunpowder was incorporated in 1802; a year later, Eleuthere fulfilled his first government contract.[3] Once a president of DuPont died, the firm would be passed down to the most competent descendant. Constant succession struggles throughout the 19th century made sure that the firm would continue operating as a family business; the company would continue to run under this model for almost 100 years.[4]

Workers played an integral role in the organization and operation of the firm throughout its early existence. All of the early mills were operated via a coordinated labor effort. In 1804,

[1] William H. A. Carr, *The DuPonts of Delaware*. New York, NY: Dodd, Mead & Company, 1964, 23.
[2] Ibid., 56.
[3] Ibid., 68.
[4] Gerard Colby Zilg, *Du Pont: Behind the Nylon Curtain*. Englewood Cliffs, NJ: Prentice-Hall International, Inc., 1974, 91.

two foremen appointed by Eleuthere oversaw the production of 44,000 pounds of black gunpowder.[5] Since all DuPont employees lived and worked in a company town, the workers were closely tied to their employer. When a typhoid epidemic broke out among children of du Pont powder men in 1865, the president hired two physicians to care for the children and silenced the powder yard whistle, so they could sleep better.[6] The number of salaried managers to oversee workers on the mill remained small. Owners managed and the managers owned. This relationship would remain until the 20th century.

In the 1870s, the new administration of railroads would create serious changes in business organization. The railroad industry was the first to be administered through extensive hierarchies and the first to compete in a modern oligopolistic manner. Nearly all American railroads were single-track lines, continuously delivering goods throughout the country. To assure fast, regular, and carefully scheduled movement of a wide variety of goods shipped from hundreds of locations, railroad managers designed a line-and-staff system of administration. The managers responsible for the movement of trains were the line officers, acting on the line of authority running from the president to the general manager, to the general superintendent, to the division superintendent.[7] To prevent what railroad managers saw as ruinous competition, the largest firm formed regional federations such as the Southern Railway & Steamship Association in 1875, and the Eastern Trunk Line Association, in 1877.[8] The cartels started to pool and divide profits according to an agreed upon ratio. These particular changes served as a blueprint for the business that followed.

[5] Ibid., 75.
[6] Carr, The *Du Ponts of Delaware,* 207.
[7] Richard C. Edwards, *Contested Terrain: the Transformation of the Workplace in the Twentieth Century*. New York, NY: Basic Books, 1996, 58.
[8] Ibid., 61.

DuPont implemented old forms of organization and developed new forms of control after a long succession fight in 1902. Since Eugene du Pont became president of the firm in 1889, the company was authoritatively organized around two horizontal combinations: the Gunpowder Trade Association and the Eastern Dynamite Company.[9] All of the major chemical companies -- Du Pont, Laflin & Rand, and Hazard -- owned stock in the organization but did not oversee its cumulative production.[10] After Eugene du Pont died from pneumonia in 1902, three du Pont cousins -- Coleman, Alfred, and Pierre -- bought the firm for $15,360,000 in notes and stock options.[11] Alfred and Coleman were trained engineers who managed the Johnson and Lorain Steel company that built steel track and electric-powered equipment for street railways; they adopted the most advanced administrative practices on the railroads and quickly integrated the firm.[12] The three cousins, provoked by advances of scientific management, utilized new cost and control systems to constantly run mills at full capacity. Under their leadership, DuPont became the first modern corporation in the United States.

The cousins combined DuPont's loose network of small firms under one corporate roof. Alfred du Pont decided that buying competitors was too costly and requires the purchase of too much unused plant capacity. So in 1903, DuPont merged the Gunpowder Trade Association and the Eastern Dynamite Company.[13] The aim was to run the workers at maximum capacity and achieve unit costs that industry competitors could not match. The merged firms required an updated form of organization and control.

[9] Alfred Dupont Chandler, *The Visible Hand: the Managerial Revolution in American Business*. Cambridge, MA: The Belknap Press, 2002, 417
[10] Ibid., 417
[11] Carr, The *Du Ponts of Delaware,* 228.
[12] Chandler, *The Visible Hand,* 417
[13] Ibid., 441.

The advent of scientific management offered DuPont new ways to organize gunpowder production around a system of managerial control. In the 1890's, a young inventor and manager, Frederick Winslow Taylor became a successful proponent of management derived out of "science", rather than personal relationships.[14] He diagnosed that the main problem of production was "soldiering", meaning the workers chose to produce less than their maximum capacity.[15] Taylor attempted to compute the optimal time for industrial tasks by analyzing and timing every action a worker performs inside a factory.[16] Systematic management was a rebellion against tradition, empiricism, and the assumption that common sense, personal relationships, and craft knowledge were sufficient to run a factory. The revisionists' answer was to replace traditional managers with engineers and to substitute managerial systems for ad hoc evaluations. In 1901, Taylor argued that "What constituted a fair day's work will be a question for scientific investigation instead of a subject to be bargained and haggled over."[17] While the new ideology seldom had an effect on actual management, it changed the understanding of how corporate resources can be applied to control all problems in a systematic way. DuPont managers had drawn up a list of necessary lessons: control must come from a hierarchical structure, it must be concerned with work itself, there must be positive rewards for proper work, and management itself must be subject to systematic control.[18]

DuPont set up new administrative departments to coordinate production throughout all of the newly merged firms. More than one hundred firms were now run through three "operating

[14] Naomi R. Lamoreaux, *Coordination and Information: Historical Perspectives on the Organization of Enterprise*. Chicago, IL: University of Chicago Press, 1995, 36.
[15] Edwards, *Contested Terrain*, 95.
[16] Lamoreaux, *Coordination and Information*, 37.
[17] Edwards, *Contested Terrain*, 90.
[18] Ibid., 110.

departments": black powder, smokeless powder, and high explosives.[19] The firm set up management headquarters along major product lines. Each department had their own vice presidents, directors, staff, as well as control and accounting personnel.[20] Central offices sharpened the distinction between ownership and management. The new managerial staff had no stake in the firm and rarely visited any mills; they concerned themselves primarily with improving worker efficiency.[21] This focus on scientific management expanded the size of white-collar workers, drawing an imaginary line between factory employees and nonproduction labor.[22] The expansion of nonproduction labor made workers a significant component of the firm's cost. Updated methods of productivity-accounting had to be developed under the auspice of scientific management.

In 1903, Pierre du Pont pioneered a new method of industrial accounting that focused on the rate of return on capital invested. Prior to the 20th century, most firms utilized renewal accounting: earnings are calculated as a percentage of sales or costs.[23] Pierre argued that this criterion was incomplete because it fails to indicate the rate of return on capital invested. Under renewal accounting, a firm with low fixed costs and 10% profit would show higher return than a commodity sold at double its cost in an expensive plant. Pierre changed this tradition by calculating indirect costs of managers, foremen, and inspectors.[24] The accounting method reflected the intensity of resources used rather than what they produced. Under the new model, if costs can be kept constant, the rate of return on capital increased with throughput.

[19] Chandler, *The Visible Hand,* 443.
[20] Ibid., 444.
[21] Ibid., 445.
[22] Edwards, *Contested Terrain*, 89.
[23] Chandler, *The Visible Hand,* 445.
[24] Ibid., 445

The updated organizational structure and increased capacity made DuPont the most efficiently and effectively managed firm in the world. A managerial bureaucracy and accounting focused on return on capital increased DuPont's pace of accumulation. Within a generation, DuPont's managerial style became standard for the administration of all large-scale enterprises.[25] It allowed them to "efficiently" monitor production and distribute goods. The extra profits would be reinvested in competing firms, and by 1911, DuPont owned the majority of the gunpowder business. As the du Pont cousins expanded their rate of production and centralization, a vibrant antitrust movement would turn the firm's attention onto the national political sphere. This is where the knot between capital and government would be tied.

Corporate America

From 1907 to 1918, the du Ponts would come to accept that the fate of their firm relied on public opinion and national politics. The relationship between capitalists and regulators has been altered by the capitalist's dependence upon state regulation and economic stimulation. The antitrust lawsuit filed against the firm would precipitate a staunch legal battle that would dissolve a large portion of the enterprise. Simultaneously, World War I offered concrete proof of the government's ability to sustain and grow domestic industry. DuPont would work diligently to make sure the government's interests aligned with yearly profits. The historical association between capitalism and democracy cannot be presumed to persist automatically. The du Pont cousins became the most aggressive supporters of labor suppression, labor segmentation, and social engineering.

[25] Zilg, *Du Pont*, 125.

DuPont's first major corporate struggle against the government came as an antitrust suit. In 1907, the Justice Department filed the first of a long series of antitrust suits against the DuPont Company. This legal action was initiated by the Justice Department at the urging of the Buckeye Powder Company.[26] Until then, the federal government had not interfered with Du Pont's formidable market control. Despite DuPont pleading guilty to suppressing competition, the firm was allowed to keep its monopoly on military munition. During the court hearings, various high ranking military officials took stand in defending DuPont. The Chief of Navy Ordnance, the chief of Army Ordnance, and a number of other generals testified that DuPont's monopoly on smokeless military powder was vital to national security. [27] Since the court could not reverse the vertical integration of over sixty corporations, the judge asked DuPont to come up with its own dissolution plan. The guilty were deciding their own punishment. In the end, the firm was split up into three separate firms: DuPont, Atlas, and Hercules.[28] At each stage of the case, DuPont sought to reduce sources of material and symbolic uncertainty imposed by the State. The corporate lesson was simple: if the government wasn't actively supportive, it was hampering corporate performance.

World War I brought DuPont's corporate interests in line with governmental objectives. When war began in 1914, the federal government became incapable of producing sufficient quantities of munition on its own. To make up the deficit, the military relied heavily on DuPont as its chief supplier of explosives.[29] Before 1914, the Allies contracted DuPont for a total of 15,600,000 pounds of smokeless powder. Ten weeks later, the orders increased by over three

[26] Ibid., 126.
[27] Carr, The *Du Ponts of Delaware,* 224.
[28] Ibid., 243.
[29] Zilg, *Du Pont*, 158.

hundred and fifty percent.[30] Only DuPont, with a hyper integrated supply chain could fulfill the demand. The financial success from the war came with a halcyonic turn in public opinion.

The war provided a patriotic atmosphere within which DuPont could portray its competition as traitorous. In 1915, Coleman du Pont established the infamous National Security League to promote America's entry into the war.[31] The league published vicious attacks on congressmen who opposed entering the slaughter. Labor movements were similarly portrayed as harmful to the war effort. Additional national interest forums like the National Civil Federation brought labor leaders into a "responsible" relation with corporations, sometimes forcing cooperation at literal gunpoint. The American Federation of Labor was forced to proclaim a ban on strikes for the duration of the war.[32] Thus, the burden of suppressing labor shifted from individual employers to agencies of the federal government. The war produced two effects of lasting importance. First, DuPont established a secure position in the chemical industry. And second, class conflict pushed corporations to link personal interests more closely to state power.

In general, DuPont went to great lengths in forcibly shaping class interests. A large percentage of the American workforce were immigrants, making up an important pool of cheap labor for industrial production. So when Coleman du Pont funded the American Association of Foreign Language Newspapers, which acquired 400 foreign-language newspapers, the main goal was promotion of "Americanism."[33] The du Pont family also focused on breeding positive business sentiment within the American born population. Coleman became the leading force in creating the Boy Scouts of America. Early scout law required unyielding allegiance "to the

[30] Carr, The *Du Ponts of Delaware,* 285.
[31] Zilg, *Du Pont*, 152.
[32] Edwards, *Contested Terrain*, 65.
[33] Zilg, *Du Pont*, 169.

President, and to his officers, and to his parents, his country, and his employer."[34] To Coleman, Americanism was capitalism and capitalism was DuPont.

Conclusion

Structural control and government collusion turned the conflict within the firm decisively in DuPont's favor. The early bond solidified during World War I shifted much of the corporate struggle towards politics. When the working poor operated in the political arena to struggle for their survival, they confronted capital. The structure of capital accumulation and breadth of political resources has ensured that democratic rule is consistent with capitalist hegemony. As the accumulation process expanded on global and scientific dimensions, the prospects for successful accumulation became increasingly dependent on state support. As the antitrust movements have demonstrated, controlling the state has become both more essential and more precarious than ever.

History of DuPont's modernization can serve both to understand and challenge labor suppression across the country. It was primarily through a concerted division of administrative labor that corporatization came on to take a distinctly American flavor. Eventually, global wars became the stimulus that brought monopoly leaders out of courtrooms and into war rooms, becoming both the cause and the profiteer of international slaughter. American corporations as we know them came to be on the backs of labor unions, soldiers, and pliant politicians. A serious project of social reform is required to make sure the mistakes of the early 20th century are not repeated.

[34] Ibid., 169.

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